

IN THE UNITED STATES DISTRICT COURT
IN THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

-----X

NETCHOICE, LLC, d/b/a :
NetChoice, a 501(c)(6) :
District of Columbia :
organization, Computer & :
Communications Industry :
Association d/b/a CCIA, :
a 501(c)6 non-stock :
Virginia Corporation :
Plaintiffs, :
v. : Case No.
1:21-cv-00840-RP
KEN PAXTON, in his official :
capacity as Attorney General :
of Texas :
Defendant. :

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1	PROCEEDINGS			
2				
3	THE VIDEOGRAPHER: Good morning. We are			
4	going on the record at 9:42 a.m.			
5	This begins the video deposition of			
6	Alexandra Veitch taken by Defendant in the matter of			
7	NetChoice, LLC, et al., versus Ken Paxton, et al.,			
8	filed in the United States District Court for the			
9	Western District of Texas, Austin Division, Civil			
10	Action Number 1:21-CV-00840-RP.			
11	This deposition is being held at the			
12	Wilson located at 1700 K Street, Northwest,			
13	Washington, DC, on November 17th, 2021, at			
14	approximately 9:43 a.m.			
15	My name is Gene Aronov with Integrity			
16	Legal Support Solutions, and I'm the legal video			
17	specialist.			
18	The court reporter is Sue Alldridge in			
19	association with Integrity Legal Support Solutions.			
20	Will counsel please introduce themselves.			
21	MR. LYLES: Benjamin Lyles for the			
22	defendant, Ken Paxton.			

	10		12
1 Q And it's true that YouTube is a 2 subsidiary of Google; correct?		1 Q Okay. Have you represented YouTube 2 before Congress?	
3 A Correct.		3 A I have, yes.	
4 Q Where were you before Google?		4 Q So you've given testimony before	
5 A Immediately prior to working at Google, I 6 worked at Tesla.		5 Congress --	
7 Q And how long were you at Tesla for?		6 A I have.	
8 A I joined Tesla in -- sorry. I just have 9 to replay in my memory here -- April of 2018; so		7 Q -- on behalf of YouTube?	
10 just under two years.		8 A Yes.	
11 Q And what were your job duties at Tesla?		9 Q Okay. I'm going to hand you your	
12 A At Tesla, I was the senior director		10 declaration that you filed in this suit, Ms. Veitch,	
13 responsible for North American government relations.		11 marked as Exhibit 1.	
14 Q So what -- what did being responsible for		12 (Veitch Deposition Exhibit 1 was marked	
15 government relations entail?		13 for identification and attached to the transcript.)	
16 A Sure.		14 THE WITNESS: Thank you.	
17 It was my responsibility to represent the		15 BY MR. LYLES:	
18 company before policymakers in both U.S. and Canada		16 Q Are you familiar with that document?	
19 and, to a lesser extent, Mexico. And also to		17 A I am.	
20 explain policy issues to my company.		18 Q Who drafted that document?	
21 Q Would it be fair to say that that		19 A I drafted this document working in	
22 encompassed lobbying activities?		20 conjunction with Google attorneys.	
		21 Q What were the names of the people you	
		22 worked with on that document?	
	11		13
1 A Yes. I was a registered lobbyist. Yes.		1 A Sure.	
2 Q And what are your job duties at YouTube?		2 Michael Trinh, Angela Kim, Meng Jia Yang,	
3 A Similarly, it's my -- so I'm the director		3 Brian Willen. Those are the people I recall.	
4 of government affairs and public policy for YouTube		4 Q Did you correspond with anybody other	
5 in the Americas and emerging markets. It's my		5 than those people on that document?	
6 responsibility to represent YouTube before		6 A About the specifics of this document?	
7 policymakers in that region and also explain policy		7 No. About the fact that I was in- -- generally	
8 issues to key executives at my company.		8 involved in the document, I certainly let, for	
9 Q And do those activities include blogging		9 example, my manager know that I was working on this.	
10 activities?		10 But about the specifics of this document,	
11 A No.		11 only that group.	
12 Q So your work for YouTube does not involve		12 Q So you had no discussions with any -- any	
13 you working as a lobbyist?		13 other NetChoice members about the document?	
14 A So I -- I just want to make sure that,		14 A I don't believe I've ever spoken to	
15 you know, you and I are clear.		15 anybody at NetChoice.	
16 I am -- I -- I do not meet the threshold		16 Q What about any of the other members of	
17 to register as a lobbyist currently. There are --		17 NetChoice?	
18 certainly, I represent the company's interest before		18 It's a trade association.	
19 policymakers.		19 A Yeah. No. I understand.	
20 But if you're using "lobbyist" as a term		20 I don't believe so, no.	
21 of art, you know, requiring disclosure under the		21 Q What about CCIA, the other plaintiff in	
22 Lobbying Disclosure Act, I'm not a lobbyist.		22 the case?	

	14		16
<p>1 A I don't believe I've ever spoken to 2 anybody at CCIA.</p> <p>3 Q Okay. About anything at all.</p> <p>4 A Ever.</p> <p>5 Q What about anybody at NetChoice about 6 anything at all?</p> <p>7 A Not that I recall.</p> <p>8 Q Okay. And to any of CCIA's members?</p> <p>9 A I certainly have conversations with CCIA 10 member companies --</p> <p>11 Q Right.</p> <p>12 A -- right?</p> <p>13 But these are folks here in town working 14 in a similar industry as me.</p> <p>15 About the specifics of this declaration, 16 I have had no conversations.</p> <p>17 Q Okay. And just to be clear, about the 18 specifics of the declaration, no conversations with 19 any NetChoice members either?</p> <p>20 A Correct.</p> <p>21 Q Okay. Why -- why is Google not suing my 22 client independently?</p>		<p>1 A That is correct.</p> <p>2 But in my role as director of government 3 affairs and public policy, it is my responsibility 4 to understand, generally speaking, how laws would 5 impact the company. It is not my job to provide 6 legal advice.</p> <p>7 Q Understood.</p> <p>8 Could you turn to paragraph 5 -- 5 and 6 9 of your declaration, please.</p> <p>10 A Sure.</p> <p>11 Q So in here there's -- there's talk, in 12 paragraph 5, about YouTube supporting the free flow 13 of ideas. Again in paragraph 5, being as open as 14 possible.</p> <p>15 What are the -- what are the requirements 16 to post on YouTube?</p> <p>17 MS. YANG: Objection. Form.</p> <p>18 THE WITNESS: Could I just ask you to 19 clarify?</p> <p>20 So YouTube has a terms of service we 21 require users to comply with. Those terms of 22 service govern whether you're able to post on</p>	
<p>1 MS. YANG: Objection. Form.</p> <p>2 THE WITNESS: Can you rephrase the 3 question so I can understand it better?</p> <p>4 BY MR. LYLES:</p> <p>5 Q So Google has filed a declaration in 6 support of a suit brought by the two trade 7 associations, NetChoice and CCIA, against my client.</p> <p>8 Why is YouTube not bringing its own 9 lawsuit against my client?</p> <p>10 A To be honest, I don't know the answer to 11 that question. And -- and I fear I probably will 12 have to say this too again today. I'm not a lawyer.</p> <p>13 So advising on legal strategy like that question is 14 not my area of expertise.</p> <p>15 Q But you -- you admit that your 16 declaration contains a lot of interpretation of a 17 state statute; correct?</p> <p>18 A Correct.</p> <p>19 MR. DISHER: Objection. Form.</p> <p>20 BY MR. LYLES:</p> <p>21 Q But as you said, you're not a lawyer; 22 correct?</p>	15	<p>1 YouTube or not. But you tell me if there's 2 something more specific you're looking for.</p> <p>3 BY MR. LYLES:</p> <p>4 Q So if a person wanted to post something 5 on YouTube, what would that have to -- have to do as 6 a practical matter?</p> <p>7 MS. YANG: Objection. Form.</p> <p>8 THE WITNESS: So my understanding is they 9 would have to have a Google account, and they would 10 have to meet the requirements of our terms of 11 service.</p> <p>12 BY MR. LYLES:</p> <p>13 Q So is that -- do they self-certify that 14 they meet the requirements of your terms of service, 15 or do you -- does Google check whether they meet the 16 terms of service?</p> <p>17 MS. YANG: Objection. Form.</p> <p>18 THE WITNESS: So I have actually never 19 posted on YouTube. But my understanding is that you 20 are given an opportunity to review our terms of 21 service and then an opportunity to affirmatively 22 agree with them.</p>	17

	18		20
1 Q	And that's all that needs to happen?	1 Over 2 billion people, distinct	
2 A	I think we're getting out of my depth	2 individuals, every month visit YouTube. I think	
3 here. But my understanding is that is what is		3 that -- that is -- that fact recognizes that this is	
4 required.		4 a place where -- of openness where many voices, many	
5 Q	So if somebody represents online in that	5 different individuals come to share ideas,	
6 process that they comply with the terms of service,		6 creativity, et cetera.	
7 is there an immediate check by you-all, or does the		7 BY MR. LYLES:	
8 account just open?		8 Q Okay. And in terms of my question	
9 MR. DISHER: Objection.		9 whether Google or YouTube checks if the -- you know,	
10 MS. YANG: Objection. Form.		10 the users saying they comply with the terms of	
11 MR. DISHER: Form.		11 service is true or not, is there a check or is there	
12 MS. YANG: Objection. Exceeds the scope		12 not a check?	
13 of the deposition as allowed in the Court's order		13 MS. YANG: Objection. Scope.	
14 dated November 2nd, 2021.		14 MR. DISHER: Objection. Form.	
15 MR. LYLES: Could you explain that		15 THE WITNESS: I'm sorry. I think -- I	
16 objection, please?		16 think we're just outside of my area of expertise	
17 We're talking about -- paragraph 5 and 6		17 here.	
18 talk about how YouTube is open to the public. It's		18 I am not entirely sure what happens on	
19 as open as possible. So I'm trying to tease out		19 the back end once a user accepts our terms of	
20 what that -- what that openness involves.		20 service.	
21 MS. YANG: Counsel, the Court's order		21 BY MR. LYLES:	
22 allows the scope of the deposition to be the		22 Q Does the account open, then?	
	19		21
1 information contained within the declaration. You		1 A Yes, that is my understanding. The	
2 directed the witness to paragraph 5 which speaks to		2 account opens.	
3 the openness of YouTube, as you're saying right now.		3 Q Immediately upon accepting terms of	
4 However, your question pertains to the		4 service?	
5 check of information or communication that the user		5 MS. YANG: Objection. Scope.	
6 provides to YouTube at the time of signing up, as I		6 THE WITNESS: That is my understanding.	
7 understand your question, which I find to exceed the		7 Now, to be clear, there are limitations	
8 scope of the declaration.		8 that exist about how the service can be used	
9 MR. LYLES: Okay. So I find it to be		9 depending on, for example -- this is just one that	
10 exactly in line with seeing what this "open as		10 I'm familiar with -- if you are a new creator, you	
11 possible" means.		11 are not allowed to immediately livestream.	
12 So are you instructing the witness not to		12 Livestreaming poses unique risks to the	
13 answer the question?		13 platform, to our users, to our community. So that	
14 MS. YANG: I am not. I'm stating the		14 would be a privilege that is not immediately	
15 basis of my objection on the record.		15 available to you upon opening an account.	
16 The witness may answer.		16 BY MR. LYLES:	
17 MR. LYLES: Okay.		17 Q Okay. But you could post other content?	
18 MR. DISHER: I'll also object to		18 A I believe so, yes.	
19 mischaracterizing the declaration, but go ahead and		19 Q Okay.	
20 answer.		20 MR. LYLES: And just to go back to these	
21 THE WITNESS: So let me try and tackle		21 objections, any objection beyond leading or form is	
22 this a different way.		22 in violation of Western District Rule 30(b); so	

<p>1 please limit all your objections accordingly.</p> <p>2 BY MR. LYLES:</p> <p>3 Q In paragraph 6, you talk about harmful</p> <p>4 content on YouTube makes it less open, not more.</p> <p>5 A Uh-huh.</p> <p>6 Q Could you explain that, please?</p> <p>7 A Sure.</p> <p>8 So we want YouTube to be a space where</p> <p>9 people -- our users, our creators -- are free to</p> <p>10 express themselves. There are certain types of</p> <p>11 harmful content that make people feel less</p> <p>12 comfortable expressing themselves.</p> <p>13 So, for example, hateful content about</p> <p>14 people's gender or people's race or people's</p> <p>15 religion would make YouTube a less open place rather</p> <p>16 than a more open place.</p> <p>17 (Veitch Deposition Exhibit 2 was marked</p> <p>18 for identification and attached to the transcript.)</p> <p>19 BY MR. LYLES:</p> <p>20 Q I'm going to hand you what's marked as</p> <p>21 defense Exhibit --</p> <p>22 A Got it.</p>	<p>22</p> <p>1 MR. LYLES: Yeah.</p> <p>2 MR. DISHER: Thank you.</p> <p>3 BY MR. LYLES:</p> <p>4 Q So who's Susan Wojcicki?</p> <p>5 A Susan Wojcicki is the CEO of YouTube.</p> <p>6 Q Okay. And can you go down to the third</p> <p>7 paragraph in that first page, please?</p> <p>8 A Sure.</p> <p>9 Q Do you see where it says "YouTube makes</p> <p>10 information available to anyone with an internet</p> <p>11 connection"?</p> <p>12 A Yep.</p> <p>13 Q Is that a true statement, in your view?</p> <p>14 MS. YANG: Counsel, I don't mean to</p> <p>15 interrupt.</p> <p>16 Can we give the witness an opportunity to</p> <p>17 read the document?</p> <p>18 MR. LYLES: Yeah.</p> <p>19 THE WITNESS: Sure.</p> <p>20 So, Mr. Lyles, to return to your</p> <p>21 question.</p> <p>22 Generally speaking, I believe this is a</p>
<p>1 Q -- Number 2.</p> <p>2 It should be Bates-stamped 69, but they</p> <p>3 got -- in your production, but they got cut off.</p> <p>4 I don't know. Do you want to turn to it</p> <p>5 just so you can -- the tab --</p> <p>6 MR. LYLES: What's the tab again?</p> <p>7 MS. CORBELLO: It's 17.</p> <p>8 BY MR. LYLES:</p> <p>9 Q Tab 17.</p> <p>10 MS. YANG: I apologize, Counsel. I don't</p> <p>11 think tab 17 corresponds to the document that I'm</p> <p>12 looking at.</p> <p>13 MS. CORBELLO: No. It'll be in there,</p> <p>14 but it's -- all the Bates stamps were too low in the</p> <p>15 document; so they got cut off.</p> <p>16 It's about maybe a third of the way in.</p> <p>17 MS. YANG: Thank you. I'll search for</p> <p>18 it.</p> <p>19 MS. CORBELLO: Yeah.</p> <p>20 MR. DISHER: Is this the document titled</p> <p>21 "Free Speech and Corporate Responsibility Can</p> <p>22 Coexist Online"?</p>	<p>23</p> <p>1 true statement.</p> <p>2 BY MR. LYLES:</p> <p>3 Q Okay. So would it be fair to say that</p> <p>4 the barriers to entry to see information on YouTube</p> <p>5 are only having an internet connection?</p> <p>6 A I am sure there are novel reasons what --</p> <p>7 that would make for barriers to entry. But,</p> <p>8 generally speaking, I believe that the information</p> <p>9 available on YouTube is available to those with</p> <p>10 an -- with an internet connection, yes.</p> <p>11 Q Do you need an account to view the</p> <p>12 information on YouTube?</p> <p>13 A You do not. There is a logged-out</p> <p>14 experience that is available to people to come to</p> <p>15 YouTube and view YouTube without a Google account.</p> <p>16 Q And to enjoy that logged-out experience,</p> <p>17 do you need to make any representation about</p> <p>18 complying with Google's terms and conditions?</p> <p>19 A I want to be sure that I'm being accurate</p> <p>20 with you.</p> <p>21 I don't believe so, but I am not certain.</p> <p>22 But I believe if you come to YouTube as -- under</p>

1 a -- you know, with that logged-out experience, you 2 will not have all the privileges of YouTube 3 available to you. 4 For example, as we discussed before, you 5 will not be able to upload content. You will not be 6 able to be a creator. But you would be able to view 7 content available on YouTube that way. 8 Q Okay. So you said there were -- there 9 were activities in YouTube that you could not engage 10 in just by creating an account; right? That you 11 needed to do more -- 12 A For example, the -- 13 Q -- in order to livestream. 14 A -- example about livestreaming. Yep. 15 Q What more would you need to do to be able 16 to livestream? 17 A I -- I believe the standard for 18 livestreaming is you have to have had an account for 19 a certain period of time. You have to have a 20 certain number of followers. You have to -- to 21 summarize, have a good track record of not abusing 22 the platform.	26 1 again, your declaration. 2 A Yep. 3 Q Okay. Actually, let's go to -- let's go 4 to paragraph 10. Sorry about that. 5 This is where H- -- it says -- you say: 6 "HB20 would eliminate much of our ability to make 7 these kinds of choices." I'm not going to read the 8 whole thing. 9 But can I gather from 10 that YouTube 10 prefers to its platform to be as accessible as 11 possible? 12 MS. YANG: Objection. Form. 13 THE WITNESS: YouTube -- YouTube -- 14 freedom of expression is a fundamental value for 15 YouTube. So is responsibility. Every day we are 16 trying to balance those two sometimes competing 17 dynamics of freedom of expression and 18 responsibility. 19 We want to allow for the maximum amount 20 of content that -- that is consistent with that 21 freedom of expression value but not -- but is not 22 inconsistent with our responsibility to our users,	27 1 And there are specific requirements that 2 I don't recall exactly what they are. 3 Q What about being able to monetize your 4 content? 5 A Sure. 6 Q Well, first, can you describe what 7 that -- what it means to monetize content on 8 YouTube, please? 9 A Sure. 10 So YouTube is unique in that we share the 11 majority of our advertising revenue with the 12 creators who create the content. So it's a 55/45 13 revenue share split with 55 percent of that revenue 14 going to creators who are part of what's known as 15 the YouTube Partner Program, or YPP. 16 Those creators have met additional 17 standards, as you note, and are eligible for 18 monetization on our platform -- eligible to receive 19 that portion of the revenue share of the 20 advertisements that appear on their content. 21 Q Okay. So can I gather from 22 paragraph 5 -- if you could go back and look at that	28 1 to our creators, and to our advertisers. 2 BY MR. LYLES: 3 Q So where -- I just heard that you balance 4 freedom of expression with responsibility, and then 5 something about your obligations to your 6 advertisers; is that -- 7 A Well, I think you have not entirely 8 summarized my thought there, but that was part of my 9 thought. Sure. 10 Q Okay. How does YouTube make its money? 11 A YouTube makes its -- YouTube primarily 12 makes its money by advertising revenue. 13 Q And how does that work? if you could just 14 explain -- 15 A Sure. 16 Q -- the process. 17 A So, generally speaking, advertisers -- 18 large companies around the world, some of the best 19 known brands, spend money to have their 20 advertisements appear alongside the user-generated 21 content that appears on our platform. 22 To be clear, there are other smaller
--	---	--	--

<p>30</p> <p>1 revenue streams for YouTube, but that is the largest 2 revenue stream.</p> <p>3 Q How does user engagement play into 4 advertising?</p> <p>5 MS. YANG: Objection. Form.</p> <p>6 THE WITNESS: Could I just ask you to 7 rephrase that so I make sure I understand your 8 question?</p> <p>9 BY MR. LYLES:</p> <p>10 Q So how do advertisers decide, like, where 11 they're going to ask YouTube to place their ads?</p> <p>12 A Sure.</p> <p>13 So advertisers have a wide range of 14 controls about what sort of content they want their 15 advertisements to appear -- to appear on. And they 16 can be -- they can be sort of general or reasonably 17 specific about the type of content they want their 18 advertisements to appear alongside.</p> <p>19 Q And does YouTube recommend this content 20 to users that the advertisements appear alongside?</p> <p>21 A YouTube recommends content to our users, 22 and some of that content may be -- may have</p>	<p>32</p> <p>1 What channels do you subscribe to.</p> <p>2 Second are general context clues about a 3 user. So less specific than to you, Mr. Lyles, in 4 particular. But where in the world are you. What 5 language does it seem that you speak. What time of 6 day it is.</p> <p>7 And then the third are signals we pick up 8 about the individual content itself. As I began, we 9 want to recommend content to our users that users 10 will love. So we like to recommend videos that not 11 only have gotten a lot of watch time on our platform 12 but, for example, are watched from beginning to end, 13 which is a signal to us that users started that 14 video and then sufficiently enjoyed it to continue 15 watching it. Or videos that have gotten a lot of 16 likes on them. Another signal that this is the kind 17 of content that users enjoy.</p> <p>18 Q So part of the feedback that shows you 19 you're recommending the right thing to the user is 20 some action by the user?</p> <p>21 A Sure. By both that user and by other 22 users as well.</p>
<p>31</p> <p>1 advertisements appear alongside it, yes.</p> <p>2 Q How do you understand the term "user 3 engagement"?</p> <p>4 A I actually don't understand that term.</p> <p>5 That's not necessarily a term we use at YouTube. So 6 maybe you could define it for me.</p> <p>7 Q Okay. So YouTube recommends content to 8 its users --</p> <p>9 A Correct.</p> <p>10 Q -- is that correct?</p> <p>11 A That's correct.</p> <p>12 Q And what guides those recommendations?</p> <p>13 A Oh, sure.</p> <p>14 So we want to recommend content to our 15 users that they will love, new content that they 16 will enjoy, content that they might not otherwise 17 discover.</p> <p>18 There's three general baskets of signals 19 that we use to determine what content to recommend 20 to any user. So the first is about the user 21 themselves. What -- what sort of content have you 22 watched before. What are your general interests.</p>	<p>33</p> <p>1 Q Okay. Clicks, for example, would be one.</p> <p>2 Would that be --</p> <p>3 A So --</p> <p>4 MS. YANG: Objection. Form.</p> <p>5 THE WITNESS: I'm actually going to 6 disagree with you there, because, as I said, clicks 7 are a very imperfect measure of whether users 8 actually like that content.</p> <p>9 BY MR. LYLES:</p> <p>10 Q Okay.</p> <p>11 A A better measure is did you click and 12 then continue to watch the video all the way 13 through.</p> <p>14 Q Okay.</p> <p>15 Okay. And would it be fair to say that 16 YouTube strives to give users -- or recommend to 17 users the kind of content that results in those -- 18 those types of actions? Clicking on a video and 19 watching it all the way through.</p> <p>20 A There is some -- some additional nuance 21 probably required there, which is that, on certain 22 subjects, we want to index in the direction of</p>

<p>1 authoritative information even over engagement.</p> <p>2 So, for example, on a subject like</p> <p>3 COVID -- obviously, very relevant right now -- the</p> <p>4 most sensational video, the video that gets the most</p> <p>5 views that is watched the most might not actually be</p> <p>6 the most useful video for our community. And so on</p> <p>7 subjects like COVID, on subjects like news,</p> <p>8 politics, we also index toward authoritative</p> <p>9 content.</p> <p>10 Q Okay. But indexing toward engagement is</p> <p>11 also something you do?</p> <p>12 A Well, to be clear, on those subjects we</p> <p>13 will index toward authoritative at the -- at the</p> <p>14 sacrifice of engagement.</p> <p>15 Q Okay.</p> <p>16 A But engagement is, as you are accurately</p> <p>17 pointing out, an important signal, that this is the</p> <p>18 kind of content that users love and that other users</p> <p>19 may love as well.</p> <p>20 Q Are there areas in which engagement is</p> <p>21 the primary form of -- the primary priority in</p> <p>22 recommending content?</p>	<p>34</p> <p>1 skateboarding.</p> <p>2 So on that content on skateboarding,</p> <p>3 whether users are watching it all the way through,</p> <p>4 whether they're clicking the "like" button, whether</p> <p>5 they're sharing it with other people, that would</p> <p>6 indicate to us that that's content about</p> <p>7 skateboarding that other users would enjoy. We</p> <p>8 would recommend that content to other users.</p> <p>9 Q You spoke earlier about how you balance</p> <p>10 freedom of expression against responsibility.</p> <p>11 Do you also balance it against the</p> <p>12 engagement concerns we were talking about?</p> <p>13 MS. YANG: Objection. Form.</p> <p>14 THE WITNESS: So I think we're aligning</p> <p>15 sort of two concepts here. And maybe if I could</p> <p>16 just take a big step back.</p> <p>17 So when we talk about YouTube, we often</p> <p>18 talk about it in the context of the four R's. And I</p> <p>19 believe this is discussed in my declaration.</p> <p>20 So remove what content is -- what content</p> <p>21 lives on YouTube and what content cannot live on</p> <p>22 YouTube. Remove -- raise what content we -- what</p>	<p>36</p>
<p>1 A So I just want to make sure I'm entirely</p> <p>2 accurate here. And we've started to use engagement</p> <p>3 in a -- in a particular way. So maybe if you could</p> <p>4 define for me how you're using it. Because, again,</p> <p>5 you know, number of views does not necessarily equal</p> <p>6 engagement.</p> <p>7 Q Right.</p> <p>8 Okay. So, for instance, you said that a</p> <p>9 better -- a better metric for engagement was whether</p> <p>10 somebody clicks on the video and watches the whole</p> <p>11 thing.</p> <p>12 A Yep.</p> <p>13 Q So are there areas where those concerns</p> <p>14 are paramount over whether the content is</p> <p>15 authoritative or not?</p> <p>16 A There are -- there are subjects in which</p> <p>17 authoritative isn't a metric that we use; right? I</p> <p>18 mean, if it's a video about skateboarding, there is</p> <p>19 no sort of authoritative -- you know, just to pull</p> <p>20 that ex- -- there is no authoritative source on</p> <p>21 skateboarding. We're not going to look for -- we're</p> <p>22 not going to index toward authoritativeness on</p>	<p>35</p> <p>1 authoritative content we elevate to our users.</p> <p>2 Reduce what content we do not recommend to our</p> <p>3 users. And then reward, as we discussed</p> <p>4 monetization for our creators.</p> <p>5 When we talk about that balance between</p> <p>6 responsibility and freedom of expression, we're</p> <p>7 often talking about it in that context of the remove</p> <p>8 conversation. What content can live on our platform</p> <p>9 and what cannot.</p> <p>10 So I just don't want to confuse that with</p> <p>11 the idea of recommendations and what content we</p> <p>12 raise up versus what we reduce.</p> <p>13 BY MR. LYLES:</p> <p>14 Q Okay.</p> <p>15 A But you tell me if I didn't answer</p> <p>16 your --</p> <p>17 Q So --</p> <p>18 A -- question.</p> <p>19 Q Yeah.</p> <p>20 So putting aside the stuff that gets</p> <p>21 taken away --</p> <p>22 A Sure.</p>	<p>37</p>

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1 Q -- right? --		1 make this real. I think one I mention in my	
2 A Okay.		2 declaration is about suggesting that the moon	
3 Q -- where it sounds, from what you said,		3 landing was faked.	
4 there's no -- there's no discussion at all; right?		4 As we want to balance having the maximum	
5 It's like it violates the community guidelines; so		5 amount of information available to our users for	
6 it's removed --		6 that freedom of expression but we also want to be	
7 A Content that violates our community		7 responsible, one of the ways that we strike that	
8 guidelines is --		8 balance is by allowing that borderline content to be	
9 MR. DISHER: Objection. Form.		9 on our platform but by minimizing our	
10 Go ahead.		10 recommendations of that content to our users.	
11 BY MR. LYLES:		11 BY MR. LYLES:	
12 Q Okay.		12 Q And how does giving users what they want	
13 A Content that violates the community		13 to see play into that calculus?	
14 guidelines is removed from our platform.		14 MS. YANG: Objection. Form.	
15 Q But then in -- in cases where there's		15 THE WITNESS: So on borderline content	
16 actually a -- a pro- -- like, a -- it's not -- it		16 for that subset of content, we do still allow users	
17 doesn't violate the guidelines. It bumps up against		17 to see that on our platform. And we do balance	
18 them; is that --		18 that -- right? -- that the content is still there.	
19 A Sure. Yep.		19 If it's from a channel that users are	
20 Q Is engagement -- is there a sort of		20 subscribed to, that -- that content will still	
21 balancing between --		21 appear. They will receive a notification, if	
22 A Oh, I see.		22 they've opted into notifications, that that content	
	39		41
1 Q -- YouTube search for engagement and --		1 is available to them. But we will not recommend it	
2 A Sure. Sure. Sure.		2 to users who are not seeking out that content.	
3 Q -- not de-prioritizing it or leaving it		3 BY MR. LYLES:	
4 out, or whatever?		4 Q But if a user were to seek out, say, a	
5 A Sure. Yeah.		5 conspiracy theory like the moon landing didn't	
6 MS. YANG: Objection. Form.		6 happen, YouTube would recommend that content?	
7 And I'm going to remind both counsel and		7 A No. I think, perhaps, I'm not being	
8 witness: Let's limit the crosstalk -- so talking		8 clear.	
9 during the other person's question or the answer --		9 That content would be available. It	
10 just to make it easier for the court reporter.		10 is --	
11 MR. LYLES: Okay.		11 Q Okay.	
12 MS. YANG: So let's let the other person		12 A -- on the platform. But we would	
13 finish.		13 endeavor not to recommend --	
14 MR. LYLES: Thank you.		14 Q Okay.	
15 THE WITNESS: Apologies.		15 A -- that content to them.	
16 MS. YANG: That's -- no worries.		16 So, again, that's the balance. The	
17 THE WITNESS: So the borderline -- I		17 content is there --	
18 think you used the word border- -- borderline		18 Q Right.	
19 content. That's content that we consider that comes		19 A -- but it is not recommended --	
20 close to but does not go over the line of violating		20 Q I see.	
21 our community guidelines.		21 A -- to them.	
22 And just to give an example to sort of		22 Q Have there ever been reports that YouTube	

1 recommended to users content that violated YouTube's 2 terms of service? 3 A Yes. 4 And I believe in my declaration here I 5 speak to what we call the "violative view rate." 6 That's a statistical sampling that we do to 7 determine what percentage of content that is viewed 8 on our platform is -- is of content that violates 9 our policies. 10 Again, we -- YouTube is operating at 11 massive scale, 500 hours of content uploaded every 12 minute. We try and remove all content that violates 13 our community guidelines. We remove an enormous 14 amount of content about which we are transparent, 15 but there is content on our platform that does 16 violate our community guidelines. 17 And we have found, I think in the most 18 recent quarter, that that is somewhere between .17 19 and .19 percent of views. So 17 to 19 views out of 20 every 10,000 are of content that violates our 21 community guidelines. 22 Q But back to my question. Have there been	42	1 THE WITNESS: I believe they could be -- 2 I mean, pornography, perhaps, is the exception. But 3 I believe that the second two categories, incitement 4 to violence or content that would harm children, 5 could be either. 6 BY MR. LYLES: 7 Q Either content or viewpoint? 8 A Yeah. 9 Q But pornography would be content? 10 MR. DISHER: Objection. Form. 11 THE WITNESS: I'm not an expert on 12 pornography, but I don't -- I don't see that as 13 viewpoint based, no. 14 BY MR. LYLES: 15 Q Okay. Is all content -- I'm trying to 16 figure out how to phrase this. 17 Is all content treated equally once it's 18 uploaded onto YouTube? 19 MS. YANG: Objection. Form. 20 THE WITNESS: I appreciated the human 21 moment there. You're trying to figure out how to 22 phrase something.	44
1 reports that YouTube has recommended content to 2 users that violate its community guidelines? 3 A I'm not -- off the top of my head, I'm 4 not familiar with any specific reports. But it 5 would be reasonable for me to assume, given what I 6 just said about violative view rate and the scale at 7 which we operate, that that has happened and 8 probably been reported on. 9 Q But just to be clear, you're not aware of 10 any? 11 A Not off the top of my head, no. 12 Q Okay. Could you turn to paragraph 20, 13 please, Ms. Veitch, of your declaration.	43	1 No, not all content is -- there are -- 2 there are a variety of tools that we can use on the 3 platform, as we've already discussed. Even assuming 4 the content does not violate our policies, some 5 content will be recommended while other content will 6 not. Some content will monetize while other content 7 will not. Some content, for example, could be 8 age-gated. We could see it as not appropriate for 9 younger viewers. 10 So there are -- so, no, there are a 11 number of different tools that we use for how we 12 treat content. And, no, not -- not all content is 13 treated the same.	45
14 So this paragraph reads: "YouTube has 15 always had rules of what speech we permit on the 16 platform, and we have never claimed that YouTube 17 would host all user-generated content. YouTube has 18 never allowed pornography, incitement to violence, 19 or content that would harm children, for example." 20 Are those content-based or 21 viewpoint-based categories, Ms. Veitch? 22 MS. YANG: Objection. Form.		15 Q Do your policies related to content apply 16 equally regardless of the person hosting it? 17 A Yes. This is -- this is a way in which 18 YouTube is, perhaps, unique from other platforms. 19 Our community guidelines are applied equally to all 20 creators. 21 Q Okay. 22 Okay. How is that different from the	

<p>1 other platforms?</p> <p>2 MS. YANG: Objection. Form.</p> <p>3 MR. DISHER: Objection. Form.</p> <p>4 THE WITNESS: I'm not an expert on how</p> <p>5 other platforms work. But I do believe that some</p> <p>6 other platforms take what is called a speaker-based</p> <p>7 approach where there are different rules for</p> <p>8 different speakers.</p> <p>9 There are no different rules for</p> <p>10 different speakers on YouTube. All speakers are</p> <p>11 treated equally. Whether you are a president of a</p> <p>12 country or a democratically elected representative</p> <p>13 versus John Q. Public, all creators are treated the</p> <p>14 same on YouTube.</p> <p>15 BY MR. LYLES:</p> <p>16 Q Okay. Has Google received subsidies from</p> <p>17 the federal government?</p> <p>18 MR. DISHER: Objection. Form.</p> <p>19 THE WITNESS: I am -- I do not know the</p> <p>20 answer to that question.</p> <p>21 BY MR. LYLES:</p> <p>22 Q Has Google received subsidies from any</p>	<p>46</p> <p>1 BY MR. LYLES:</p> <p>2 Q So have you heard of the Communications</p> <p>3 Decency Act, section 230?</p> <p>4 A I have, yes.</p> <p>5 Q And section 230 insulates a company like</p> <p>6 Google from liability for content posted by third</p> <p>7 parties?</p> <p>8 A For user-generated content. Correct.</p> <p>9 Q Do you see that as a benefit that Google</p> <p>10 enjoys?</p> <p>11 MS. YANG: Objection. Form and exceeds</p> <p>12 the scope.</p> <p>13 THE WITNESS: I don't see that as a</p> <p>14 benefit. I see that as a law enacted by Congress</p> <p>15 that has been essential to having a free and open</p> <p>16 internet here in the United States that all citizens</p> <p>17 have benefited from. It is not a benefit for any</p> <p>18 particular company.</p> <p>19 BY MR. LYLES:</p> <p>20 Q If that 230 protection went away, would</p> <p>21 that significantly change the way YouTube did</p> <p>22 business?</p>
<p>1 state government?</p> <p>2 MR. DISHER: Objection. Form.</p> <p>3 THE WITNESS: I do not know the answer to</p> <p>4 that question. That is not within the scope of my</p> <p>5 work.</p> <p>6 BY MR. LYLES:</p> <p>7 Q Has Google received any benefits from the</p> <p>8 federal government?</p> <p>9 MR. DISHER: Objection. Form.</p> <p>10 MS. YANG: Objection. Form.</p> <p>11 THE WITNESS: Could you define what you</p> <p>12 mean by "benefits"?</p> <p>13 BY MR. LYLES:</p> <p>14 Q So, for example, an absence of</p> <p>15 regulation, would that be a benefit that Google has</p> <p>16 received, in your view?</p> <p>17 MR. DISHER: Objection. Form.</p> <p>18 MS. YANG: Objection. Form.</p> <p>19 THE WITNESS: I -- I don't want to argue</p> <p>20 law with a lawyer. But an absence of regulation</p> <p>21 does not seem to me to be a benefit.</p> <p>22</p>	<p>47</p> <p>1 MS. YANG: Objection. Form and exceeds</p> <p>2 the scope.</p> <p>3 THE WITNESS: If section 230 went away,</p> <p>4 it would -- it would radically change the internet</p> <p>5 in the United States of America. By extension, that</p> <p>6 would certainly also impact YouTube.</p> <p>7 BY MR. LYLES:</p> <p>8 Q And you're aware that section 230 doesn't</p> <p>9 protect newspapers, for example?</p> <p>10 MS. YANG: Objection. Scope.</p> <p>11 MR. DISHER: Objection. Form.</p> <p>12 THE WITNESS: That is actually not my</p> <p>13 understanding of how section 230 works. I believe</p> <p>14 that there are some potential portions. For</p> <p>15 example, if a newspaper had a comments section</p> <p>16 online, that would be covered by -- by section 230.</p> <p>17 BY MR. LYLES:</p> <p>18 Q But it's your understanding that it would</p> <p>19 only apply to online comment sections?</p> <p>20 MS. YANG: Objection. Form and exceeds</p> <p>21 the scope.</p> <p>22 THE WITNESS: No, that's not what I said.</p>

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1	I said that is an example --	1	Local Rule 30(b); so please limit them accordingly.
2	BY MR. LYLES:	2	MR. DISHER: We have a Court order that
3	Q Okay.	3	limits the scope of this deposition; so I will
4	A -- of -- of --	4	object --
5	Q Sorry.	5	MS. CORBELLO: It doesn't make it a
6	A -- a way in which a newspaper could be	6	proper objection, Todd.
7	the -- also the beneficiary -- could also benefit	7	MR. DISHER: -- as -- as needed based on
8	from protections of section 230.	8	the scope of the -- we're not instructing her not to
9	Q Okay. Do your policies related to	9	answer, but we are absolutely entitled to object to
10	content apply equally regardless of the user posting	10	questions that might be outside the scope.
11	it?	11	MR. LYLES: For the record, I'm going to
12	(Reporter asks for clarification.)	12	say that's an improper objection.
13	BY MR. LYLES:	13	MS. YANG: And, for the record, we're
14	Q Do your policies related to content apply	14	going to disagree, because the local rule allows for
15	equally regardless of the user posting it?	15	enforcement of limitations by Court order on the
16	Did I just say that?	16	scope of the deposition. So does federal rule
17	I'm sorry.	17	30(c)(2). So we're going to be enforcing those
18	A I'm always happy to answer again.	18	limitations from the November 2nd Court order
19	Q Strike that.	19	today.
20	Do you think YouTube should be subject to	20	MR. LYLES: Okay. We're going to
21	more regulation?	21	disagree that that's a proper objection.
22	MS. YANG: Objection. Form.	22	MS. YANG: You can proceed, Counsel.
	51		53
1	THE WITNESS: I think there are many	1	BY MR. LYLES:
2	commonsense regulations that could be passed by	2	Q In terms of -- what does comprehensive
3	policymakers that YouTube would absolutely be	3	national privacy legislation mean?
4	supportive of. For example, comprehensive national	4	A Well, I would defer to legislators to --
5	privacy legislation would have a big impact on our	5	for the specifics of what comprehensive national
6	platform but is also something we have said we are	6	privacy legislation should look like.
7	supportive of.	7	But currently there is no federal privacy
8	BY MR. LYLES:	8	legislation. There is -- states have taken up this
9	Q So you're aware that if I, for example,	9	mantle and passed privacy laws -- California, for
10	wrote a libelous letter to the editor of a newspaper	10	example. But Congress has not yet done the same,
11	and they posted it, somebody could sue me -- sue the	11	and we -- we encourage them to do so.
12	newspaper over that?	12	Q And what -- I mean, what -- like you
13	MS. YANG: Objection. Form.	13	said, you would leave the details up to state -- or
14	MR. DISHER: Objection. Form.	14	to legislators.
15	Objection. Scope.	15	But what, generally, would some of that
16	THE WITNESS: I don't work for a	16	privacy legislation look like?
17	newspaper. I've never worked for a newspaper. It	17	MS. YANG: Objection. Form. Objection.
18	would not be appropriate for me to comment on what a	18	Outside the scope.
19	newspaper is subject to.	19	BY MR. LYLES:
20	MR. LYLES: I'd like to revisit what I	20	Q What aspects of such hypothetical
21	said earlier, and that's any objection beyond	21	legislation would you be supportive of?
22	leading or form is in violation of Western District	22	MS. YANG: Objection. Form. Objection.

<p>1 Scope.</p> <p>2 THE WITNESS: Generally, we would be 3 supportive of our users, Americans, having greater 4 control over their own private data and for 5 companies being held to a single set of standards 6 for how we treat the data of our users. In this 7 case, Americans.</p> <p>8 BY MR. LYLES:</p> <p>9 Q Is there a California state privacy law?</p> <p>10 A There is.</p> <p>11 Q And how did YouTube have to change to 12 comply with that law?</p> <p>13 MS. YANG: Objection. Form and scope.</p> <p>14 THE WITNESS: I actually don't know the 15 answer to that question. That law was enacted prior 16 to my arrival at YouTube. And I'm also neither a 17 lawyer nor a compliance lawyer.</p> <p>18 BY MR. LYLES:</p> <p>19 Q To your knowledge has YouTube done 20 anything to comply with the law?</p> <p>21 A Again --</p> <p>22 MS. YANG: Objection. Scope.</p>	<p>54</p> <p>1 as a private citizen?</p> <p>2 BY MR. LYLES:</p> <p>3 Q No. Your view representing YouTube in 4 this deposition.</p> <p>5 A I believe that -- that erosions to 6 section 230 could have enormous and unintended 7 consequences. And so I would urge caution as 8 Congress considers them.</p> <p>9 It's impossible for me to speak to a 10 hypothetical; so I -- I -- I don't know the answer 11 to your question, and I would consider it on a 12 case-by-case, piece-of-legislation by 13 piece-of-legislation basis.</p> <p>14 Q Can you go to 7 and 8, please. Or -- 15 finish your water, please.</p> <p>16 A No. No. Go ahead.</p> <p>17 Q I didn't mean to interrupt you.</p> <p>18 A Of the -- of the declaration?</p> <p>19 Q Yes, please.</p> <p>20 MR. LYLES: Actually, we're pretty close 21 to a break, aren't we?</p> <p>22 MS. CORBELLO: Yeah. I was going to tell</p>
<p>1 THE WITNESS: -- I'm not a lawyer or a 2 compliance lawyer. I believe, also, the -- I'm not 3 entirely sure that the full -- all the elements of 4 that law have come into force yet; so I don't know 5 the answer to that question.</p> <p>6 BY MR. LYLES:</p> <p>7 Q Who at YouTube or Google would know about 8 that?</p> <p>9 A Our compliance lawyers.</p> <p>10 Q Could you give me a name?</p> <p>11 A I guess we could start with our vice 12 president of legal, Lance Kavanaugh. And then I'm 13 sure he would have product counsel who could advise 14 on that particular question.</p> <p>15 Q Okay.</p> <p>16 A I don't know how product counsel would 17 be.</p> <p>18 Q Okay. Do you believe that there should 19 be any regulation at all making YouTube liable for 20 third-party speech posted on its platform?</p> <p>21 MS. YANG: Objection. Form and scope.</p> <p>22 THE WITNESS: You're asking from my view</p>	<p>55</p> <p>1 you to do this after this.</p> <p>2 MR. LYLES: Yeah.</p> <p>3 Do you want to go ahead and take an 4 hourly break now?</p> <p>5 MS. YANG: Sure. Happy to.</p> <p>6 Should we take about five minutes?</p> <p>7 MR. LYLES: I think we're about an hour.</p> <p>8 Yeah. Sure.</p> <p>9 MS. YANG: Thank you.</p> <p>10 THE VIDEOGRAPHER: We're going off the 11 record. This is the end of media unit number 1.</p> <p>12 The time is 10:31 a.m.</p> <p>13 (Off the record.)</p> <p>14 THE VIDEOGRAPHER: We're back on the 15 record. This is the beginning of media unit 16 number 2.</p> <p>17 The time is 10:44 a.m.</p> <p>18 MR. DISHER: One thing real quick I just 19 want to put on the record, agreement that we have, 20 that one objection from either plaintiff's counsel 21 or counsel for YouTube is good for preserving 22 objections for all parties.</p>

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<p>1 MR. LYLES: Yeah. Sure.</p> <p>2 BY MR. LYLES:</p> <p>3 Q All right.</p> <p>4 A Yep.</p> <p>5 Q Ms. Veitch, could you go to -- please, to</p> <p>6 paragraph 7 and 8 of your declaration.</p> <p>7 A Yes, sir.</p> <p>8 Q So 7 begins: "These beliefs and values</p> <p>9 drive the decisions we've made in building YouTube."</p> <p>10 Could you just recap those values again?</p> <p>11 A With apologies. I'm just going to</p> <p>12 refresh --</p> <p>13 Q Yeah. Sure. Sure.</p> <p>14 A -- my recollection on this portion of the</p> <p>15 declaration.</p> <p>16 So when I refer here to beliefs and</p> <p>17 values, among concepts I'm referring to are that the</p> <p>18 internet -- a free and open internet is a source of</p> <p>19 information and creativity; that freedom of</p> <p>20 expression is a core YouTube value but so is</p> <p>21 responsibility; and that we continually try to</p> <p>22 strike that right balance between freedom of</p>		<p>1 guidelines which are publicly available.</p> <p>2 Q So to go -- to find more specific values</p> <p>3 that YouTube fosters on its platform, one should</p> <p>4 look at the community guidelines?</p> <p>5 A Community guidelines govern what content</p> <p>6 is allowable on our platform and what is not. Those</p> <p>7 are a more specific form of YouTube's overarching</p> <p>8 values.</p> <p>9 YouTube's mission -- let me add this</p> <p>10 since I don't believe I said this previously.</p> <p>11 YouTube's mission is to give everyone a voice and</p> <p>12 show them the world. Again, that's -- we do that by</p> <p>13 balancing freedom of expression with responsibility.</p> <p>14 Those are the core values.</p> <p>15 Q And are those core values reflected in</p> <p>16 YouTube's editorial judgments about what it puts on</p> <p>17 its platform?</p> <p>18 A I'm sorry. Could you ask that question</p> <p>19 again? I'm not sure I'm following.</p> <p>20 Q Okay. Let me try to figure out another</p> <p>21 way, then.</p> <p>22 So the core values you just described,</p>	
<p>1 expression and responsibility.</p> <p>2 Q Are there other values that YouTube tries</p> <p>3 to foster on its platform?</p> <p>4 A Those are very overarching general</p> <p>5 values. And I think most of our community</p> <p>6 guidelines would fall under that rubric, obviously,</p> <p>7 with more specificity.</p> <p>8 Q Are there any other -- I mean, can you</p> <p>9 just provide some examples of other values YouTube</p> <p>10 tries to foster on its platform?</p> <p>11 A I think, generally speaking, you can say</p> <p>12 the balance between freedom of expression and</p> <p>13 responsibility is the overarching value under which</p> <p>14 we determine what content is available on our</p> <p>15 platform.</p> <p>16 Q Can you get any more specific than that?</p> <p>17 A I cannot.</p> <p>18 Q So would those decisions as to more</p> <p>19 specific values -- are they taken on an ad hoc</p> <p>20 basis?</p> <p>21 A Content moderation is not taken on an ad</p> <p>22 hoc basis. It is made according to our community</p>	59		61

	<p>62 1 BY MR. LYLES:</p> <p>2 Q Could you take a moment to familiarize 3 yourself with that. It's called "YouTube is a 4 Pedophile's Paradise," and it's from the Huffington 5 Post, last updated March 21st, 2020.</p> <p>6 A So just to be clear, I don't think I've 7 seen this before, which is fine. But it is a 8 23-page article.</p> <p>9 So if I'm going to properly familiarize 10 myself, it will actually take a few moments.</p> <p>11 Q Excellent point.</p> <p>12 Why don't we just go to page 3.</p> <p>13 A Okay.</p> <p>14 Q Do you see where it says --</p> <p>15 MS. YANG: Counsel, the witness is going 16 to need at least a few minutes to at least generally 17 familiarize herself with the document, even though 18 it's long; so let's give her a few moments.</p> <p>19 MR. LYLES: Okay.</p> <p>20 MS. YANG: For clarity, let the record 21 reflect that this document was not produced by 22 Google.</p>
	<p>63 1 MR. LYLES: Yeah. 2 Counsel, how much more time do you think 3 you're going to need?</p> <p>4 MS. YANG: Alexandra?</p> <p>5 THE WITNESS: I mean, just respectfully, 6 I'm on page 8 of a 23-page article I've never seen 7 before; so -- I'm a fast reader, but it does take 8 time to consume this information.</p> <p>9 MR. LYLES: We should probably go off the 10 record, then, just to save time.</p> <p>11 MS. YANG: I'm happy to do that.</p> <p>12 THE VIDEOGRAPHER: We're going off the 13 record.</p> <p>14 The time is 10:54 a.m.</p> <p>15 (Off the record.)</p> <p>16 THE VIDEOGRAPHER: We're back on the 17 record.</p> <p>18 The time is 10:58 a.m.</p> <p>19 BY MR. LYLES:</p> <p>20 Q Ms. Veitch, could you go to page 3 of the 21 article I just handed you where it says -- the top 22 first full paragraph of page 3 -- "YouTube's</p> <p>64 1 automated recommendation engine propels sexually 2 implicit videos of children like Allie from 3 obscurity into virality and onto the screens of 4 pedophiles. Executives at the Google-owned company 5 are well aware of this."</p> <p>6 Were you aware of this report,</p> <p>7 Ms. Veitch?</p> <p>8 A I was not.</p> <p>9 MS. YANG: Objection. Exceeds the scope 10 of the deposition.</p> <p>11 BY MR. LYLES:</p> <p>12 Q Were you aware of the content presented 13 in this report?</p> <p>14 MS. YANG: Objection. Exceeds the scope.</p> <p>15 THE WITNESS: I have never seen this 16 article before today. I was not aware of this 17 article.</p> <p>18 BY MR. LYLES:</p> <p>19 Q Before today, were you aware of the 20 substance of this article?</p> <p>21 MS. YANG: Objection. Scope.</p> <p>22 THE WITNESS: I think I would have to</p>

<p>1 BY MR. LYLES:</p> <p>2 Q These concerning incidents of YouTube's 3 recommendations, are these examples of YouTube 4 engaging in editorial discretion?</p> <p>5 MS. YANG: Objection. Form. Objection. 6 Scope.</p> <p>7 THE WITNESS: As we've discussed today, 8 there is an enormous amount of content on YouTube: 9 500 hours uploaded every minute; volume of content 10 growing exponentially.</p> <p>11 We consistently endeavor to get it right 12 both in terms of what content is available on our 13 platform, making sure that it complies with our 14 community guidelines, and in terms of the quality of 15 the content that we recommend to our users.</p> <p>16 Getting it right, trying -- continuing to 17 endeavor to get it right is important to earn the 18 trust of our users, our creators, and our 19 advertisers.</p> <p>20 But also given the scope, the volume of 21 the content, we don't get it perfect. In fact, as 22 you and I have discussed today, .17 to .19 percent</p>	<p>66</p> <p>1 THE WITNESS: -- being put together in 2 the same --</p> <p>3 MS. YANG: Counsel --</p> <p>4 MR. LYLES: Sorry.</p> <p>5 THE WITNESS: -- question.</p> <p>6 MR. LYLES: Yeah. Got it.</p> <p>7 MS. YANG: -- let's not interrupt the 8 witness.</p> <p>9 MR. LYLES: Excuse me.</p> <p>10 BY MR. LYLES:</p> <p>11 Q If we go back to paragraph 7 again where 12 you talk about the "editorial judgments we have made 13 in crafting the content moderation tools and 14 policies."</p> <p>15 So these editorial judgments are the same 16 things that result in not getting it right some of 17 the time. Is that fair to say?</p> <p>18 MS. YANG: Objection. Form.</p> <p>19 MR. DISHER: Objection.</p> <p>20 THE WITNESS: So there is both our error 21 rate, our not getting it right, and enforcing our 22 policies and recommending our content. There is</p> <p>68</p>
<p>1 of views of content on YouTube are on content that 2 violates our community guidelines. So that's a -- 3 so that's a piece of data that we make public 4 ourselves suggesting that we don't always get it 5 right. But we continue to try.</p> <p>6 We also continue to do better. If you 7 look at that data point of the violative view rate, 8 if declines over time, over a period of many years. 9 And we want to be held accountable to continuing to 10 reduce that number.</p> <p>11 But I do not want to suggest to you today 12 that we always get it 100 percent right.</p> <p>13 BY MR. LYLES:</p> <p>14 Q When you don't get it right, is that an 15 expression of YouTube's editorial discretion?</p> <p>16 MR. DISHER: Objection. Form.</p> <p>17 Go ahead.</p> <p>18 THE WITNESS: With respect, sir, I just 19 don't -- I don't understand the -- the -- those -- 20 what feel to me to be two very distinct concepts --</p> <p>21 BY MR. LYLES:</p> <p>22 Q Okay. So let's --</p>	<p>67</p> <p>1 also a continuing effort by us to refine our 2 policies, to adapt our policies over time.</p> <p>3 So, for example, with COVID, as global 4 understanding -- as the understanding of health 5 authorities has evolved over time, our policies have 6 changed. So I don't want to suggest to you that 7 YouTube's policies, our editorial judgments, exist 8 carved in stone. They do not. They evolve over 9 time.</p> <p>10 BY MR. LYLES:</p> <p>11 Q Okay. But the not getting it right, when 12 that happens in a certain temporal context, at that 13 time, that not getting it right was a result of 14 YouTube's editorial judgments at that time?</p> <p>15 MR. DISHER: Objection. Form.</p> <p>16 MS. YANG: Objection. Form.</p> <p>17 THE WITNESS: Sure. It is -- well, I 18 just -- so allowing a piece of content -- a piece of 19 content that appears on our platform that violates 20 our policies but is, nonetheless, on our platform 21 may never have been reviewed by either human or 22 machine. So there may have been no judgment made</p> <p>69</p>

<p>1 around that individual piece of content. So I just 2 want to make sure I'm answering you accurately. 3 BY MR. LYLES: 4 Q Okay. Well, we can just -- we can just 5 leave it at that. 6 Thank you for your patience -- 7 A Thank you. 8 Q -- with that line of questioning. 9 A And yours as well. Thank you for your 10 patience. 11 Q Let's move on to paragraph 18 of your 12 declaration, please. 13 Here you talk about how many channels or 14 accounts YouTube has removed and provide some 15 reasons for that. 16 How did you get that information? 17 A This -- this data is directly from our 18 community guidelines enforcement report, which is -- 19 we make public on a quarterly basis. 20 Q Okay. And how does it -- how does it 21 make it into the report? I mean, who -- who finds 22 it?</p>	<p>70</p> <p>1 Q Okay. Is there a set of documents that 2 would answer that question as well? 3 A There may be, but I don't know. 4 Q Okay. And would Matt Halprin be the 5 person that would know? 6 A I am trying to give you the person who is 7 most likely, in my estimation, to understand -- to 8 understand all the pieces, all the inputs -- 9 Q Right. 10 A -- that lead to the community guidelines 11 transparency report, and that would be Matt Halprin. 12 Matt Halprin leads that organization. 13 Q Okay. Thank you. 14 How -- are algorithms responsible for the 15 moderation that you talk about in 18 in terms of 16 removal? 17 A Sure. 18 Some- -- some- -- sometimes the source of 19 first detection of violative content are machine 20 learning systems or algorithms. 21 Q What -- what percentage of the times of 22 detection, do you think?</p>
<p>1 A Sure. 2 That -- that is a -- I'm sure a fair 3 question but, really, outside of my area of 4 expertise. 5 So there are things that happen back of 6 house in terms of tracking, the removal of content, 7 the removal of videos, the removal of comments that 8 form these numbers. But I'm not involved in the 9 quantifying of these metrics. 10 Q Who would know? Like, units and names, 11 please. 12 A Gosh. There -- well, so our vice 13 president of trust and safety, which is 14 responsible -- our trust and safety organization is 15 responsible for the enforcement of our community 16 guidelines. That is -- that's a large organization 17 that involves -- that -- there are both content 18 moder- -- content moderators in that organization. 19 I assume there are probably also data scientists 20 that do this sort of data tracking. And our vice 21 president of trust and safety is an individual named 22 Matt Halprin.</p>	<p>71</p> <p>1 A You know, I know that piece of data is in 2 our community guidelines transparency report. I 3 don't have it off the top of my head. 4 Q Is it more than 50 percent? 5 A Yes. 6 MS. YANG: Objection. Form. 7 BY MR. LYLES: 8 Q Is it more than 70 percent? 9 MS. YANG: Objection. Form. 10 THE WITNESS: I -- I believe it is both 11 more than 50 and 70 percent. But, again, that exact 12 figure is avail- -- publicly available. 13 BY MR. LYLES: 14 Q So the -- it's the vast majority. Would 15 that be -- 16 MS. YANG: Objection. 17 BY MR. LYLES: 18 Q -- fair to say? 19 MS. YANG: Form. 20 THE WITNESS: I -- 21 BY MR. LYLES: 22 Q Okay.</p>

<p>1 A I would ask you to define "vast 2 majority."</p> <p>3 Q Sure. Okay.</p> <p>4 A But I believe more than 70 percent --</p> <p>5 Q Okay.</p> <p>6 A -- is correct.</p> <p>7 Q How about 80 percent?</p> <p>8 MS. YANG: Objection. Form.</p> <p>9 THE WITNESS: I believe that that number 10 is more than 80 percent. But, again, that number is 11 publicly available to you. You don't have to take 12 my word for it.</p> <p>13 BY MR. LYLES:</p> <p>14 Q Okay. And that's -- what did you call 15 that again? The first --</p> <p>16 A Source of first detection.</p> <p>17 So what -- whether -- whether the 18 video -- the violative content was first reviewed by 19 machines or by humans.</p> <p>20 Q Okay. And then after that source of 21 first detection, where would a removed -- what would 22 be the sort of workflow for a piece of content that</p>	<p>74</p> <p>1 number of appeals and then the success rate of those 2 appeals are publicly available in our community 3 guidelines enforcement report.</p> <p>4 Q What -- so if -- if the episode falls 5 into one of these -- the algorithm detects it as 6 incompatible with the community guidelines, is it 7 accurate that the algorithm -- if it was one of the 8 algorithm ones, the algorithm then removes it, and 9 that's what initiates the appeal process?</p> <p>10 A I don't think that's entirely accurate.</p> <p>11 I believe that there are instances in which the 12 machine learning systems do not have a high degree 13 of confidence --</p> <p>14 Q Okay.</p> <p>15 A -- at which point that video review would 16 be routed to a human for review.</p> <p>17 Q Okay.</p> <p>18 A So there's sort of -- there's multiple 19 options here: Machine only, human only, or a 20 combination of machine and human.</p> <p>21 Q Okay.</p> <p>22 All right. How long -- where the machine</p>	76
<p>1 got removed?</p> <p>2 A Sure.</p> <p>3 So content that violates our community 4 guidelines, whether detected by human or machine, is 5 removed from the platform. At that point, a 6 single -- a one-click opportunity for appeal is sent 7 to the creator.</p> <p>8 And just -- just so I'm very clear, I'm 9 talking about here video content, individual pieces 10 of video --</p> <p>11 Q Yeah.</p> <p>12 A -- not comments, which are treated 13 somewhat differently.</p> <p>14 So the creator is given an opportunity to 15 appeal. We don't always get that right. Both 16 machines and humans make errors.</p> <p>17 And so creators are given the opportunity 18 to appeal. That appeal is then reviewed by a human. 19 And then the content would either be restored, if it 20 is not violative of our community guidelines, or it 21 would remain removed.</p> <p>22 And, perhaps, important to note that both</p>	<p>75</p> <p>1 has a high degree of confidence, how long does it 2 take to remove it?</p> <p>3 A So we don't actually measure -- as far as 4 I know, we don't measure by time. And for a good 5 reason, which is that time is actually not as 6 important of a metric as a number of views.</p> <p>7 So if -- we want to remove content that 8 violates our policies before it receives -- before 9 it receives -- you know, before it receives many 10 views. We want to remove it with a minimum number 11 of views. That's another data point that we also 12 make public.</p> <p>13 Within range, you know, what percent of 14 content that was removed was removed with one to ten 15 views. I think it's ten to -- ten to 100. And then 16 greater than 100 views. Because it's important to 17 us -- not -- time is much less important to us than 18 number of views. We want to remove that content 19 when it receives the minimum number of views.</p> <p>20 Q Okay. In terms of the numbers in 21 paragraph 18 of channels removed -- or -- yeah, 22 channels removed, what -- how long did it take to</p>	77

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1	compile that information?	1	A There are people who are dedicated, I'm
2	MS. YANG: Objection. Form.	2	sure, to working on that report, though I don't know
3	THE WITNESS: So this report is compiled	3	who they are. There are also people whose work is
4	and made public quarterly.	4	compiled as part of that report. So I don't even
5	BY MR. LYLES:	5	know how you would calculate the cost of that
6	Q Okay. And it --	6	particular report.
7	A And I -- it is published on a regular	7	It has a cost, but I don't know what it
8	cadence. I think some small number of weeks after	8	is. And I don't know who would know what it is.
9	the close of each quarter; so --	9	Q Okay. Do you know the percentage of the
10	Q Okay.	10	recommendations made to users on YouTube are made by
11	A You know, you get through a quarter, then	11	algorithms?
12	you need to review and ensure the accuracy of that	12	MS. YANG: Objection. Scope.
13	quarter's data and then that the information is	13	THE WITNESS: So my understanding of how
14	public.	14	our recommendations work is that those are entirely
15	Q So it takes a few weeks. Is that --	15	based on machine learning systems.
16	A Sure.	16	So as I've previously mentioned, we have
17	Q -- accurate?	17	over 2 billion unique users visiting YouTube every
18	A It's -- yes. It takes --	18	month. There is no person whose job it is to
19	Q Okay.	19	hand-select recommendations for, for example,
20	A I want to make sure I'm being accurate	20	Alexandra Veitch.
21	with you.	21	So if I understand your question, I
22	Q Yeah.	22	believe all of our recommendations are made by
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1	A But, you know, somewhere between three	1	machine learning systems.
2	and -- I believe our -- I can't remember the date of	2	BY MR. LYLES:
3	this filing.	3	Q Okay. In paragraph 18 where you talk
4	But if you look -- I mean, we're	4	about the percentage of the videos removed to child
5	referring to quarter two of 2021's data. I believe	5	safety issues and the percentage of the videos
6	this filing happened in quarter three of 2021. So	6	removed due to spam, do you have any -- that -- that
7	we have taken a few weeks to --	7	seems to strike me as, like -- it doesn't really
8	Q Okay.	8	give an idea of what percentage of everything
9	A -- review the data and then made it	9	flagged was actually removed; right? It just breaks
10	public.	10	down why certain percentages of what was removed
11	Q Okay.	11	were removed.
12	A We endeavor to make the data public	12	Do you have any idea on -- of the
13	quickly but also accurately.	13	proportion between, during that period, what YouTube
14	Q And how much did it cost this particular	14	flagged versus what was removed?
15	report of that quarter?	15	MS. YANG: Objection.
16	A I have no idea.	16	Counsel, it says removed comments were
17	Q Who would -- who would know?	17	due to spam.
18	A I'm not even sure that that exists as	18	I just want to make sure that we're
19	a -- that it would be possible to determine the	19	accurately --
20	budget line item for our community guidelines	20	MR. LYLES: Sure.
21	enforcement report.	21	MS. YANG: -- phrasing.
22	Q Okay.	22	
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1 BY MR. LYLES:

2 Q So let's start with comments.

3 What percentage of flagged comments were
4 removed during this period?

5 A So I just want to make sure that we're
6 using the term "flag" in the same way.

7 Usually when YouTube talks about flags,
8 we mean content that was flagged to us by users.

9 Q Okay.

10 A So there is, you know, definitionally, a
11 human involved. So I think that's different from
12 how you are using the word flag.

13 Q Okay. Does AI ever flag content?

14 A So --

15 MS. YANG: Objection. Form.

16 THE WITNESS: As you and I previously
17 discussed, there are situations in which machine
18 learning systems both make content moderation
19 decisions based on our community guidelines, and
20 there are situations in which machine learning
21 systems refer pieces of content for human review.

22

1 BY MR. LYLES:

2 Q Are you -- are you aware of the
3 percentage of those machine learning referrals to
4 human review that result in a removal?

5 A I am not. And I -- I do not believe that
6 that is a piece of data that we make public.

7 Q Who would have that data at Google or
8 YouTube?

9 A Again, the removal of content, according
10 to our community guidelines, is a function that is
11 the responsibility of our trust and safety
12 organizations. So, again, the vice president of
13 trust and safety, Matt Halprin --

14 Q Okay.

15 A -- is responsible for removal of content
16 whether by machine or by human.

17 Q Okay. What about the material flagged by
18 users? What percentage of that actually ends in
19 removal?

20 A I think that actually may be a data point
21 we make public. I don't have that data point top of
22 mind.

1 But what I will say is that we actually
2 find user flagging to be a relatively inefficient
3 source of -- source for detecting violative content.
4 What we see often is that users flag content that
5 they just don't like, for whatever reason.

6 I think the most flagged content in all
7 of time on YouTube is a Justin Bieber video which is
8 not violative of our policies but, perhaps,
9 reflects --

10 Q Right.

11 A -- individual opinions of Justin Bieber.

12 Users are not experts on our community
13 guidelines; so it's hard for them to determine what
14 content violates our community guidelines with a
15 high degree of accuracy.

16 Q Okay. But users -- or those with
17 accounts anyway -- have committed themselves to the
18 community guidelines -- correct? -- when they sign
19 up?

20 A They have, yes.

21 Q Okay. Is Matt Halprin also the person
22 that would know about the percentage of user-flagged

1 content that is removed?

2 A He would, but I think that is -- I hope
3 I'm not misleading you, but I think that is a --
4 publicly available in our community guidelines
5 enforcement report.

6 Q Okay. When you say in paragraph 18 that
7 something is removed, does that mean entirely from
8 publication or just from the view of certain users?
9 Or what is -- what does that actually mean?

10 A Yeah.

11 So when we use the term "remove," we mean
12 we remove that -- we endeavor to remove it entirely
13 from our platform. We have machine learning systems
14 that recognize copies of the same pieces of content.
15 And so if one particular video was removed, we
16 endeavor to remove all copies of that same content.

17 I will point out that there are those who
18 seek to evade those systems, and so it is possible
19 for similar but not exactly the same pieces of
20 content that should be removed to escape detection.

21 But we endeavor to remove -- "remove"
22 means that content is no longer available on our

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<p>1 platform, and we endeavor to remove it entirely.</p> <p>2 Q Okay. I want to return to -- for a</p> <p>3 second, to the -- and I don't want to</p> <p>4 mischaracterize what you said. So I'm not intending</p> <p>5 to do that.</p> <p>6 A Okay.</p> <p>7 Q I just want to try to focus on where in</p> <p>8 the conversation before I want to go.</p> <p>9 When you describe the workflow about when</p> <p>10 a piece of content gets recognized as potentially</p> <p>11 violating the community guidelines by AI and then</p> <p>12 either taken off then or moved to human review, in</p> <p>13 the cases where the AI recognizes it, has a high</p> <p>14 degree of certainty, and kicks it off, is that</p> <p>15 documented by YouTube?</p> <p>16 MS. YANG: Objection. Form.</p> <p>17 THE WITNESS: Is what portion documented</p> <p>18 by YouTube?</p> <p>19 BY MR. LYLES:</p> <p>20 Q So the -- let's say the fact that the AI</p> <p>21 recognized something and removed it.</p> <p>22 A Yes. That -- that fact, assuming we are</p>		<p>1 Matt Halprin.</p> <p>2 Q Okay.</p> <p>3 A H-A-L-P-R-I-N. He's our vice president</p> <p>4 of trust and safety.</p> <p>5 Q Okay.</p> <p>6 A His organization is responsible for the</p> <p>7 enforcement of our community guidelines.</p> <p>8 Q Okay. Thank you.</p> <p>9 In the case where the AI would recognize</p> <p>10 something with a lower degree of certainty and send</p> <p>11 it to a human, would that be documented as well?</p> <p>12 A Will the fact of referral from machine to</p> <p>13 human be --</p> <p>14 Q Yeah.</p> <p>15 A -- documented?</p> <p>16 So, again, I'm not involved in the</p> <p>17 content moderation workflow. I think it's</p> <p>18 reasonable to assume that there is some</p> <p>19 documentation of the movement of that piece of video</p> <p>20 through our back-of-house systems, but I do not know</p> <p>21 what those look like.</p> <p>22 Q Okay. But Matt Halprin would --</p>	
	87		89
<p>1 talking about a piece of video content --</p> <p>2 Q Right.</p> <p>3 A -- that fact is documented, yes.</p> <p>4 Q And is it documented in a detailed</p> <p>5 fashion? Like, why it was taken down? What aspect</p> <p>6 of the community guidelines it violated?</p> <p>7 A So I have to be honest with you. I -- I</p> <p>8 do not personally engage in content moderation, and</p> <p>9 so I do not know what the back-of-housework workflow</p> <p>10 looks like on that.</p> <p>11 Given that we make public these broad</p> <p>12 categories for which content is removed from our</p> <p>13 platform, there is clearly some documentation of the</p> <p>14 reason for removal. But I do not know the level of</p> <p>15 specificity or what that tracker looks like.</p> <p>16 Q Okay. And -- sorry. I'm going to write</p> <p>17 the name down this time so I'm not --</p> <p>18 A Okay.</p> <p>19 Q -- going to ask you.</p> <p>20 What is the name of the person again that</p> <p>21 would know that?</p> <p>22 A Sure.</p>		<p>1 A I -- it will be inappropriate for me to</p> <p>2 speak to somebody else's --</p> <p>3 Q Right.</p> <p>4 A -- knowledge.</p> <p>5 Q Right.</p> <p>6 A But I think that is within his scope of</p> <p>7 responsibility.</p> <p>8 Q Okay. How long does that referral to</p> <p>9 human review and human review process take after AI</p> <p>10 would refer something?</p> <p>11 MS. YANG: Objection. Form.</p> <p>12 THE WITNESS: So as we've already</p> <p>13 discussed, time is not a metric we use here. And</p> <p>14 let me add a little, sort of, meat on the bones on</p> <p>15 why that is, perhaps, not important here.</p> <p>16 So there are categories of content that</p> <p>17 are more egregious and that we need to remove from</p> <p>18 our platform more quickly. So, for example, child</p> <p>19 sexual abuse material, which I think we can all</p> <p>20 agree is among the -- if not the most egregious</p> <p>21 category of content. If that is detected by human</p> <p>22 or machine, we want to get that down immediately.</p>	

<p>1 There are less harmful categories of 2 content that we can review with more time. There 3 are some categories of content that require more 4 nuanced decision-making.</p> <p>5 And so there are no -- that I'm aware 6 of -- specific times associated with, you know, 7 content removals writ large.</p> <p>8 BY MR. LYLES:</p> <p>9 Q Okay. Thank you for that.</p> <p>10 I'm going to -- I'm trying to think of 11 how to phrase something.</p> <p>12 Could we -- these referrals to review, 13 could we -- could we call these "tickets"?</p> <p>14 A You can call them --</p> <p>15 Q Okay.</p> <p>16 A -- tickets.</p> <p>17 Q Okay. So let's -- let's call it a 18 ticket.</p> <p>19 What percentage of these -- well, 20 referrals -- well, what percentages of these 21 referrals for review that come in are closed without 22 action? Meaning, you know, the review came in and</p>	<p>90</p> <p>1 Q That's exactly what I was trying to say, 2 actually.</p> <p>3 A Again, I -- I don't do content 4 moderation, but I -- and so there may be exceptional 5 circumstances that are beyond my imagination or 6 understanding. But I don't believe so.</p> <p>7 And if I could just zoom out for just a 8 moment.</p> <p>9 Q Yeah.</p> <p>10 A YouTube does not benefit in any way from 11 having content that violates our policies on our 12 platform. Indeed, our business is harmed by it. It 13 erodes the trust of our users, of our creators, and 14 of our advertisers who -- who are the source of -- 15 or what sustain our business.</p> <p>16 So if there is a machine or a human, 17 regardless of the source -- first source of 18 detection, if there is content that we believe 19 violates our policies, it is in our interest to 20 review that content to determine if it does and, if 21 it does, to remove it from our platform.</p> <p>22 Q In that vein, are there cases where</p>	<p>92</p>
<p>1 then nothing was removed.</p> <p>2 A So I think what you're asking is a 3 machine flags something, suggests it may violate our 4 policies, a human looks at it and determines it does 5 not violate our policies; right? That's the sort of 6 case that you're talking about?</p> <p>7 Q Or -- yeah. Yeah. Let's start with that 8 one.</p> <p>9 A So, again -- I mean, I'm not involved in 10 content moderation. I don't know. But -- but the 11 fact that the machine does not have a high degree of 12 certainty means that certainly there are cases in 13 which the machine has flagged something for human 14 review and that content is found to not violate our 15 policies.</p> <p>16 Q Now, are there instances where it's -- 17 there's a referral to human review by the machine 18 and the human review just never ends up taking 19 place?</p> <p>20 A So sort of a ticket, in your words --</p> <p>21 Q Yeah.</p> <p>22 A -- that's never closed.</p>	<p>91</p> <p>1 violative content might be good for getting user 2 engagement?</p> <p>3 MS. YANG: Objection. Form. Objection. 4 Scope.</p> <p>5 THE WITNESS: Human nature is a funny 6 thing, and I am sure that there is content that 7 humans might want to watch but that is inconsistent 8 with our community guidelines, inconsistent with our 9 values, and that we would not allow on our platform.</p> <p>10 Pornography, which is a subject you and I have 11 already discussed, might be one of those things.</p> <p>12 Humans may enjoy it, but it does not have 13 a place on our platform. Hateful views. There are 14 humans that enjoy hateful views. They, nonetheless, 15 do not have a place on our platform.</p> <p>16 BY MR. LYLES:</p> <p>17 Q And I think I asked you this earlier, if 18 you were aware of any reports of YouTube 19 recommending to its users content that violated its 20 community guidelines.</p> <p>21 A I think we did speak about that, and I 22 think what I said was I -- top of mind, I do not</p>	<p>93</p>

<p>1 have any specific reports that I recall. But it 2 makes sense to me, given the scale of YouTube, that 3 there have been incidents of YouTube recommending 4 content that violates our policies.</p> <p>5 MR. LYLES: I'm going to hand the 6 deponent, Counsel, a -- an article behind tab 30.</p> <p>7 (Veitch Deposition Exhibit 4 was marked 8 for identification and attached to the transcript.)</p> <p>9 MS. YANG: Just for clarity, this is a 10 document titled "Mozilla Investigation: YouTube 11 Algorithm Recommends Videos that Violate the 12 Platform's Own" -- "Very Own Policies"?</p> <p>13 MR. LYLES: Yes. That's it.</p> <p>14 And I'm sorry. I will -- well, never 15 mind. There was no Bates number because Google did 16 not produce it; so it was not going to be cut off.</p> <p>17 MS. YANG: Yeah. That's correct. Google 18 did not produce --</p> <p>19 MR. LYLES: Yeah.</p> <p>20 MS. YANG: -- this document.</p> <p>21 MR. LYLES: Yeah, could we go off the 22 record while you familiarize yourself with that.</p>	<p>94</p> <p>1 details of it. But I'm generally -- I remember. 2 BY MR. LYLES: 3 Q Do you take issue with the conclusion of 4 this report? 5 MS. YANG: Objection. Form. Objection. 6 Scope. 7 THE WITNESS: Well, I would just ask for 8 clarification there, because I -- I do not take 9 issue with your characterization two questions ago, 10 which was that there have been instances in which 11 YouTube has recommended content that violates our 12 own policies. 13 As I said -- 14 BY MR. LYLES: 15 Q Okay. 16 A -- minutes ago, I thought that was 17 probably likely to have happened given YouTube's 18 scale. But if there are other conclusions that you 19 want my opinion on, I would ask you to share them 20 with me, and I can take them one at a time. 21 Q Yeah. No. That was -- that was it. 22 A Okay.</p>
<p>1 Is that okay, Counsel? 2 MS. YANG: Yes. 3 MR. LYLES: Okay. 4 THE VIDEOGRAPHER: We are going off the 5 record. 6 The time is 11:30 a.m. 7 (Off the record.) 8 THE VIDEOGRAPHER: We are back on the 9 record. 10 The time is 11:33 a.m. 11 BY MR. LYLES: 12 Q So my reading of this report is that 13 YouTube -- there have actually been instances where 14 YouTube recommended content that violated its own 15 community guidelines. 16 Were you aware of this report until just 17 now, Ms. Veitch? 18 MS. YANG: Objection. Form and scope. 19 THE WITNESS: I -- I generally recall the 20 release of this report over the summer. I -- if you 21 had asked me about it without the benefit of having 22 reviewed this exhibit, I couldn't have recalled the</p>	<p>95</p> <p>1 MR. LYLES: And we can -- we can take our 2 break now. 3 THE WITNESS: Okay. 4 MS. YANG: Thank you, Counsel. 5 THE VIDEOGRAPHER: We are going off the 6 record. 7 This is the end of media unit number 2. 8 The time is 11:34 a.m. 9 (A recess was taken.) 10 THE VIDEOGRAPHER: Back on the record. 11 This is the beginning of media unit 12 number 3. 13 The time is 12:06 p.m. 14 MR. LYLES: This is 31, Counsel, that I'm 15 about to hand the witness. 16 I'm handing the witness Defense's Exhibit 17 Number 5. 18 MS. YANG: So, Counsel, this is the 19 document titled "Our Recommendation to YouTube," and 20 it was also not produced by Google. 21 MR. LYLES: Exactly. 22 And I just handed it to the deponent and</p>

	<p>98</p> <p>1 marked it as number 5.</p> <p>2 (Veitch Deposition Exhibit 5 was marked</p> <p>3 for identification and attached to the transcript.)</p> <p>4 BY MR. LYLES:</p> <p>5 Q Could you take a moment, Ms. Veitch, to</p> <p>6 familiarize yourself with that, please.</p> <p>7 A Absolutely.</p> <p>8 MR. DISHER: Which tab is this?</p> <p>9 MR. LYLES: 31.</p> <p>10 (Reporter asks for clarification.)</p> <p>11 THE WITNESS: I said "absolutely."</p> <p>12 Mr. Lyles, I am ready when you are.</p> <p>13 BY MR. LYLES:</p> <p>14 Q Okay. Ms. Veitch, we spoke a little</p> <p>15 while ago about sometimes where YouTube's</p> <p>16 recommendations don't get it right.</p> <p>17 This article advocates for YouTube</p> <p>18 sharing its data -- or some of its data with</p> <p>19 independent experts to address the issue of</p> <p>20 recommendations as the content that are violative of</p> <p>21 the community terms of YouTube.</p> <p>22 Has YouTube shared any data with</p>	100
	<p>99</p> <p>1 independent experts to address this?</p> <p>2 MS. YANG: Objection. Scope.</p> <p>3 THE WITNESS: YouTube works with</p> <p>4 researchers both internal and external to the</p> <p>5 platform. I am certain that, as part of that work,</p> <p>6 we have shared information externally. But given</p> <p>7 that's outside the scope of my role, I couldn't</p> <p>8 speak to any specificity about what information we</p> <p>9 have shared.</p> <p>10 BY MR. LYLES:</p> <p>11 Q And by externally, you mean outside of</p> <p>12 Google?</p> <p>13 A Non-Google employees -- independent</p> <p>14 academics, researchers, the research community --</p> <p>15 yes.</p> <p>16 Q And who would know if you've shared any</p> <p>17 data on the recommendation algorithm outside of</p> <p>18 Google?</p> <p>19 A Well -- sorry. Just to be clear, we</p> <p>20 share -- we do share, as is demonstrated here in</p> <p>21 this document, data about our recommendation</p> <p>22 algorithm. This cites, I think, an interview with</p>	101

<p>1 real-world harm to our community.</p> <p>2 Q Okay. With respect to removing content</p> <p>3 flagged by users, what is the -- what's the priority</p> <p>4 for addressing that? What feeds into that?</p> <p>5 MS. YANG: Objection. Form.</p> <p>6 THE WITNESS: So I believe that when a</p> <p>7 user flags a piece of content, they are then asked a</p> <p>8 subsequent question about the general category of</p> <p>9 their concern. And -- and so I would imagine that</p> <p>10 that general category of concern correlates to --</p> <p>11 has some correlation to the speed with which that</p> <p>12 flag is reviewed.</p> <p>13 But as somebody who does not do content</p> <p>14 moderation, I can't speak with any more specificity.</p> <p>15 BY MR. LYLES:</p> <p>16 Q And that would be Matt Halprin again.</p> <p>17 But --</p> <p>18 A Matt Halprin is our vice president of</p> <p>19 trust and safety.</p> <p>20 Q Okay.</p> <p>21 A Oversees the organization that determines</p> <p>22 what content is removed from the platform.</p>	<p>102</p> <p>1 understand your question.</p> <p>2 What do you mean by "issues in the</p> <p>3 backlog"?</p> <p>4 BY MR. LYLES:</p> <p>5 Q So what -- in terms of -- okay. So what</p> <p>6 percentage of YouTube's resources are devoted to</p> <p>7 content moderation?</p> <p>8 MS. YANG: Objection. Form.</p> <p>9 THE WITNESS: I don't have a data point</p> <p>10 for that specific to YouTube. I know Google-wide we</p> <p>11 have over 20,000 people working on content</p> <p>12 moderation issues, and it is a huge cost center for</p> <p>13 us. There's an enormous amount of resources</p> <p>14 dedicated to that. I don't have a more specific</p> <p>15 YouTube number.</p> <p>16 BY MR. LYLES:</p> <p>17 Q What percentage of Google's entire</p> <p>18 workforce is that 20,000?</p> <p>19 A I -- I would direct to you public</p> <p>20 disclosures on our employee numbers. I know that</p> <p>21 our employees are north of 100,000 people, but I</p> <p>22 couldn't speak with any more specificity. I think</p>	
<p>1 Q Do you know if the number of users</p> <p>2 flagging something is a metric for prioritizing</p> <p>3 removal?</p> <p>4 A That is a good question. I do not know</p> <p>5 the answer.</p> <p>6 As we talked about earlier, volume of</p> <p>7 user flagging --</p> <p>8 Q Right.</p> <p>9 A -- is not necessarily a sign that piece</p> <p>10 of content is --</p> <p>11 Q Right.</p> <p>12 A -- violative. I do not know if that</p> <p>13 correlates to the time of review.</p> <p>14 Q But Matt Halprin, again, would --</p> <p>15 A I suspect he would know the answer to</p> <p>16 that question, but I do not know.</p> <p>17 Q In terms of sort of issues in the backlog</p> <p>18 that YouTube has to deal with, what percentage do</p> <p>19 you think of those are related to content</p> <p>20 moderation?</p> <p>21 MS. YANG: Objection. Form.</p> <p>22 THE WITNESS: With apologies, I don't</p>	<p>103</p> <p>1 we make that public in investor disclosures on a</p> <p>2 quarterly basis.</p> <p>3 Q What is the name of the person at Google</p> <p>4 that would know?</p> <p>5 A Again, I think this is publicly available</p> <p>6 information. I just don't have it top of mind.</p> <p>7 Q What's the -- what's unit that would --</p> <p>8 A I assume our human resources department.</p> <p>9 That human resources at Google knows how many Google</p> <p>10 employees there are.</p> <p>11 Q Who's head of human resources?</p> <p>12 MS. YANG: Objection. Scope.</p> <p>13 THE WITNESS: I -- I -- there was a</p> <p>14 recent change of personnel there, and I actually</p> <p>15 don't know who Google's head of human resources are,</p> <p>16 but -- is, but I think that's publicly available</p> <p>17 information. I apologize.</p> <p>18 BY MR. LYLES:</p> <p>19 Q How does the -- how does the workflow</p> <p>20 work for users who want to dispute content they</p> <p>21 posted that is subsequently removed?</p> <p>22 MS. YANG: Objection. Form.</p>	<p>105</p>

<p>1 THE WITNESS: When you say "users" there, 2 do you mean creators? 3 So the creators of the content -- their 4 content -- their video content has been removed -- 5 BY MR. LYLES: 6 Q Yes. 7 A -- but they disagree with that 8 conclusion. 9 Q Yes. 10 A Okay. So when a piece of video content 11 is removed from YouTube, the creator receives an 12 email, in most cases. In -- I think in a few very 13 egregious cases, this is -- this does not hold true. 14 But, generally speaking, when content vid -- a 15 piece of video is removed from YouTube, the creator 16 receives an email notifying them that their content 17 has been removed and citing the portion -- the 18 relevant portion of our community guidelines. 19 They are given an opportunity to make an 20 appeal via a link that is in that email they have 21 received. They click on that link. They make their 22 appeal. That decision is then reviewed by a human.</p>	<p>106</p> <p>1 A Not that I'm aware of. But, again, given 2 that every quarter we make public the number of 3 appeals and the decisions, I think we endeavor to 4 reach an expeditious decision on those appeals. 5 Q So would appeals be -- all open appeals 6 be closed by the end of the quarter at the latest? 7 A No. I -- I'm not suggesting that. And I 8 don't think that's reasonable; right? A -- 9 hypothetically, an appeal could come in at 11:59 on 10 the -- you know, before a quarter closes. 11 I think appeals are handled as they come 12 in, and we want to make a decision expeditiously. 13 Q What specifically in HB20 -- let's -- do 14 you have HB20 -- or -- excuse me. I'll give you a 15 copy. 16 A I'd love a copy. 17 Q I'm giving the witness a copy of HB20 and 18 marking it as -- 19 A Thank you. 20 Q -- Exhibit Number 5 [sic]. 21 (Veitch Deposition Exhibit 6 was marked 22 for identification and attached to the transcript.)</p>
<p>107</p> <p>1 And as you and I have previously 2 discussed, the number of appeals and then the number 3 of appeals sustained or overruled is a data point -- 4 data points we make public. 5 Q And how quickly does YouTube make a 6 decision after the appeal is submitted? 7 A I don't think there's a specific time 8 associated. And that's because sometimes these 9 decisions are really nuanced and require a great 10 deal of scrutiny, and we want to get it right. We 11 want to get it right in the first case. We also 12 want to get it right when creators make appeals. 13 So I don't think there's a particular 14 time associated. We want to move expeditiously. 15 Q Is there, like, an aspirational deadline 16 or anything? 17 A Not that I'm aware of. 18 Q Do you know how many outstanding appeals 19 there are now? 20 A I don't, no. 21 Q So there's no deadline for closing 22 appeals?</p>	<p>109</p> <p>1 BY MR. LYLES: 2 Q So could you go to section 120.003 [sic], 3 please, Ms. Veitch. 4 MR. LYLES: Okay. Let's -- actually, we 5 need to remark that as number 6, if that's okay. 6 THE WITNESS: Sure. 7 MR. LYLES: Remarking HB20 as Exhibit 6. 8 THE WITNESS: Sorry. Where am I going, 9 Mr. Lyles? 10 BY MR. LYLES: 11 Q To 120.0 -- 120.103, please. 12 A Oh, yep. I'm good. 13 Q So what specifically in that section, 14 120.103, would require you to act differently than 15 it currently does where a user disputes their 16 content being removed? 17 A Sure. Just -- give me just a moment to 18 recap my -- 19 Q Yeah, please. 20 A -- memory of this. 21 MR. DISHER: Exhibit 6 is HB20? 22 THE WITNESS: Yep.</p>

<p>1 MR. DISHER: I'll object to the form of 2 that question.</p> <p>3 THE WITNESS: Okay. So when you and I 4 have been talking about the appeals that are -- the 5 appeal system that's available to our creators, I 6 have been careful to make clear that I'm referring 7 to a piece of video content in the appeal that's 8 available via a piece of video content.</p> <p>9 The same notification and appeals are not 10 available to our users based on comments. So our 11 users are not notified when a comment that they 12 would make on a video is removed. And I'm also -- I 13 don't believe there is an appeals process for the 14 removal of a comment.</p> <p>15 BY MR. LYLES:</p> <p>16 Q Okay. All right. Thank you for that 17 clarification.</p> <p>18 So as far as the burden is concerned, 19 what's -- what would that section require you to do 20 differently?</p> <p>21 A So --</p> <p>22 MS. YANG: Objection. Form.</p>	<p>110</p> <p>1 explanation of the reason for our removal, we -- 2 there are specifics that we do not include. And one 3 of the reasons that we avoid sometimes being very 4 specific is we do not want to give the bad guys a 5 road map for how to evade our policies.</p> <p>6 So where our community guidelines 7 sometimes speak in generalities, it is a strategic 8 decision to not be more specific, to not provide 9 that road map to those who want to evade our 10 policies.</p> <p>11 So providing a level of specificity is 12 also something we may not currently do.</p> <p>13 Q Can you move on to 35, please, of your 14 declaration.</p> <p>15 A Okay.</p> <p>16 Q What -- this paragraph talks about 17 YouTube blocking and removing hate speech that 18 violates its community guidelines.</p> <p>19 What -- what part of HB20 would prevent 20 YouTube from blocking or removing hate speech?</p> <p>21 MS. YANG: Objection. Form.</p> <p>22 THE WITNESS: So I'm -- I don't know, off</p>
<p>111</p> <p>1 THE WITNESS: So just on that particular 2 concern I raised there, I think my declaration 3 includes the number of comments removed quarterly. 4 That's certainly available in our quarterly 5 community guidelines enforcement transparency 6 report. I believe that number is greater than a 7 billion comments quarterly.</p> <p>8 And so my understanding, as a layperson, 9 of the -- of what would be required to comply with 10 this section is, for example, more than a billion 11 more notifications than we currently do in 12 establishing an appeals process for comments that we 13 do not currently have.</p> <p>14 BY MR. LYLES:</p> <p>15 Q Okay. What about for videos that are -- 16 whose removal is disputed by users?</p> <p>17 A So I'm going -- and, again, you know, 18 apologies being the non-lawyer in the room here, but 19 my understanding of this provision is that it would 20 require that the user be notified for the reason for 21 the content removal.</p> <p>22 And while we do provide general</p>	<p>113</p> <p>1 the top of my head, what particular provision of 2 HB20. But my understanding is that HB20 does not 3 define, in law, viewpoint.</p> <p>4 And so there are a huge number of 5 viewpoints that we would find loathsome that are 6 currently in conflict with our community guidelines 7 that HB20 would prevent us from removing from the 8 platform.</p> <p>9 BY MR. LYLES:</p> <p>10 Q And is it your position that those could 11 not be removed based on their falling within a 12 certain content definition?</p> <p>13 MR. DISHER: Objection. Form.</p> <p>14 MS. YANG: Objection. Form.</p> <p>15 THE WITNESS: I'm sorry.</p> <p>16 BY MR. LYLES:</p> <p>17 Q So --</p> <p>18 A I'm not following your question.</p> <p>19 Q -- hate speech, for example, that -- do 20 you believe that could be considered just a category 21 of content as opposed to viewpoint?</p> <p>22 MR. DISHER: Objection. Form.</p>

1 THE WITNESS: I don't really know what
 2 you mean by "category of content."
 3 But hate -- the view that one race is
 4 stupider than another race is a viewpoint. It is
 5 not a viewpoint that we allow on YouTube, but it is
 6 a viewpoint.

7 BY MR. LYLES:

8 Q And it's a viewpoint that as -- I mean,
 9 it's presented as content; correct?

10 MR. DISHER: Objection. Form.

11 MS. YANG: Objection. Form.

12 THE WITNESS: If there was a video in
 13 which a creator said that X race is stupider than
 14 Y race, that would be a viewpoint expressed by that
 15 creator in that video. That video has no place on
 16 YouTube.

17 BY MR. LYLES:

18 Q Would it be possible to present such
 19 videos without engaging in viewpoint discrimination?

20 MR. DISHER: Objection. Form.

21 MS. YANG: Objection. Form.

22 THE WITNESS: I can only go on what my

1 discrimination, is going to make YouTube change the
 2 way it does things dramatically; correct?
 3 MS. YANG: Objection. Form.
 4 THE WITNESS: One of my concerns with
 5 HB20 is that it would prevent us from removing
 6 content that we currently remove from YouTube
 7 because it is in violation of our community
 8 guidelines and because it does not reflect the
 9 values of the platform that we want to have.

10 BY MR. LYLES:

11 Q Is it YouTube's position that the Supreme
 12 Court's defining of "viewpoint" and "content" are
 13 irrelevant to any determination of whether HB20 is
 14 too vague to comply with?

15 MR. DISHER: Objection. Form.

16 MS. YANG: Objection. Form. Scope.

17 THE WITNESS: Respectfully, Mr. Lyles,

18 since I've already told you I'm not familiar with
 19 those definitions from the Supreme Court, it
 20 wouldn't be appropriate for me to comment on what
 21 YouTube's views on those definitions, that I am
 22 unaware of --

1 understanding of HB20 is. But given that
 2 "viewpoint" is not defined by HB20, I believe
 3 that -- that that view that I just expressed, that
 4 loathsome view, is a viewpoint. It is a viewpoint
 5 that has no place on YouTube. It currently violates
 6 our community guidelines. My understanding is that
 7 HB20 would also compel us to leave that viewpoint on
 8 YouTube.

9 BY MR. LYLES:

10 Q Okay. Are you aware that the Supreme
 11 Court has defined the terms "viewpoint" and
 12 "content"?

13 MR. DISHER: Objection. Form.

14 MS. YANG: Objection. Form. Objection.
 15 Scope.

16 THE WITNESS: I am not aware of that.
 17 And as we've discussed previously, I'm not a lawyer;
 18 so not familiar with all the things the Supreme
 19 Court has done.

20 BY MR. LYLES:

21 Q But it is your concern -- correct? --
 22 that HB20, becomes of its prescribing of viewpoint

1 BY MR. LYLES:

2 Q Okay.

3 A -- are.

4 Q Well, let's assume for the sake of
 5 argument that the Supreme Court has defined both
 6 these things, content and viewpoint.

7 If true, would that be relevant to
 8 YouTube deciding whether certain postings fell into
 9 viewpoint or content?

10 MS. YANG: Objection. Form.

11 MR. DISHER: Objection. Form.

12 MS. YANG: And, objection, scope.

13 THE WITNESS: Mr. Lyles, I terribly much
 14 want to answer your questions as -- to the full
 15 extent of my capabilities today. But given that I'm
 16 not an attorney, that I'm not here in the capacity
 17 of an attorney, I just don't think I can comment on
 18 what our views are on Supreme Court decisions and
 19 definitions.

20 BY MR. LYLES:

21 Q Okay. Could you move on to paragraph 36,
 22 please.

<p>1 A Yep.</p> <p>2 Q What in HB20 will keep YouTube from</p> <p>3 enforcing critical standards designed to prevent the</p> <p>4 degradation of user experience?</p> <p>5 A Sure.</p> <p>6 So just to return to the example that you</p> <p>7 and I discussed earlier, content that expresses the</p> <p>8 viewpoint that one race is smarter than another race</p> <p>9 we believe would lead to the degradation of users'</p> <p>10 experiences on our platforms.</p> <p>11 Being exposed to that sort of hateful</p> <p>12 content does not reflect the community we want to</p> <p>13 create, the kind of community where, you and I have</p> <p>14 discussed earlier, our users, our creators have a</p> <p>15 sense of comfort in their freedom of expression,</p> <p>16 their ability to be themselves.</p> <p>17 So that's -- those sort of hateful</p> <p>18 sentiments we believe would degrade our users'</p> <p>19 experiences. And I think -- as I state here, I</p> <p>20 think that is especially true for children.</p> <p>21 Q And in terms of users' safety, including</p> <p>22 children, what in HB20 would prevent you from</p>	<p>118</p> <p>1 platform but also make not available for our younger</p> <p>2 viewers.</p> <p>3 My understanding of -- of how HB20 works</p> <p>4 is that it also -- it applies equally to our ability</p> <p>5 to remove content as it does to use these other</p> <p>6 tools as well, such a demonetization, such as</p> <p>7 reducing recommendations, such as age-gating</p> <p>8 content.</p> <p>9 So you could imagine that there is</p> <p>10 content that is appropriate for older users but is</p> <p>11 not appropriate for younger users because of</p> <p>12 viewpoint, and this would limit our ability to</p> <p>13 age-gate that content.</p> <p>14 Q What specifically in HB20 prohibits</p> <p>15 YouTube from creating content moderation policies?</p> <p>16 MR. DISHER: Objection. Form.</p> <p>17 THE WITNESS: So my understanding -- and</p> <p>18 I would have to review this document again -- is</p> <p>19 that there is a de minimus amount of policies</p> <p>20 allowed for what content -- for the creation of</p> <p>21 policies around what content is allowed and not.</p> <p>22 But it is far narrower than the universe of policies</p>
<p>1 ensuring that?</p> <p>2 MR. DISHER: Objection. Form.</p> <p>3 THE WITNESS: Again, I think hateful</p> <p>4 speech, speech such as the example I've previously</p> <p>5 given, impacts the safety of the diverse</p> <p>6 populations, the 2 billion people monthly who visit</p> <p>7 YouTube.</p> <p>8 BY MR. LYLES:</p> <p>9 Q Okay.</p> <p>10 A And maybe could I be one -- give one</p> <p>11 more --</p> <p>12 Q Yeah.</p> <p>13 A -- specific point here?</p> <p>14 We spent a lot of time today focused on</p> <p>15 removing content, it being violative or not. And</p> <p>16 that's appropriate. That's where conversations</p> <p>17 about YouTube often go.</p> <p>18 But as we've also discussed, there are a</p> <p>19 lot of other tools that YouTube has for how we treat</p> <p>20 content. One of those tools, as you and I have</p> <p>21 previously discussed, is age-gating content.</p> <p>22 There's some content that we want to leave on our</p>	<p>119</p> <p>121</p> <p>1 we currently have for what content is available on</p> <p>2 our platform and not.</p> <p>3 So as we've discussed already, viewpoint</p> <p>4 is something that we could no longer make content</p> <p>5 decision -- moderation decisions around. It is --</p> <p>6 we could no longer have community guidelines around</p> <p>7 viewpoint.</p> <p>8 And it is my recollection that that --</p> <p>9 that it is directly expressed in here that we could</p> <p>10 not moderate content around viewpoint.</p> <p>11 BY MR. LYLES:</p> <p>12 Q Is it YouTube's position that there</p> <p>13 should be no state regulation limiting its</p> <p>14 flexibility to moderate content?</p> <p>15 MS. YANG: Objection. Scope. Objection.</p> <p>16 Form.</p> <p>17 THE WITNESS: So that's an interesting</p> <p>18 question. I'm just thinking this through in real</p> <p>19 time, Mr. Lyles.</p> <p>20 So it is not YouTube's position that</p> <p>21 governments should not reach their own conclusions</p> <p>22 about what content should be legal and what content</p>

<p>1 should not be. And we comply around the world with 2 laws about what content is allowable in individual 3 jurisdictions. That -- to my immediate 4 recollection, that is mostly at the federal level. 5 But different democratic governments 6 reach different conclusions about speech. So 7 Germany, for example, has restrictions on what 8 speech is allowed around the Holocaust differently 9 than -- different conclusion than the U.S. reaches 10 via the First Amendment. And we comply with those 11 legal removal requests globally.</p> <p>12 I cannot think of an example where I have 13 seen legal removal requests at a subnational level. 14 But we do think it is appropriate for governments to 15 reach conclusions about what speech is appropriate 16 for their own citizens.</p> <p>17 BY MR. LYLES:</p> <p>18 Q Okay.</p> <p>19 A And if I could just add to that.</p> <p>20 Q Yes.</p> <p>21 A We also think it is appropriate for 22 YouTube to reach its own conclusions about how we</p>	<p>122</p> <p>1 And so in the case you -- in the example 2 you cite, in Germany, if we received a legal removal 3 order that was, you know, fully in order, we would 4 remove that content for our German users while that 5 content would still be available for our American 6 users.</p> <p>7 So the local lens, if you are, you know, 8 visiting the YouTube -- using the YouTube product in 9 Germany, that content would not be available as a 10 result of a local legal order.</p> <p>11 BY MR. LYLES:</p> <p>12 Q Now, would that take the form of removing 13 each piece as a result of a local legal order 14 targeting that piece, or would there be a general 15 order saying no Holocaust speech; so YouTube goes 16 and changes its algorithm for --</p> <p>17 A Right. I understand your question.</p> <p>18 No. No. That is individual-content 19 based. Local legal removal orders are processed 20 based on individual video URLs. They are reviewed 21 by a legal team again just to make sure that the 22 removal order is in compliance with local laws and</p>
<p>1 want our platform to look as a private business, a 2 business that relies on advertising dollars, the 3 trust of our users, the trust of our creators. We 4 all think -- also think it's important and 5 appropriate for us to reach our own determinations.</p> <p>6 And other platforms certainly reach other 7 determinations, as you and I have discussed today.</p> <p>8 Q So you just said that Germany has 9 restrictions on Holocaust speech that YouTube 10 complies with.</p> <p>11 How does that work as a practical matter 12 where the U.S. does not have those restrictions but 13 Germany does and YouTube's accessible to users in 14 both countries?</p> <p>15 A Sure. So --</p> <p>16 MS. YANG: Objection. Form.</p> <p>17 THE WITNESS: So for countries in which 18 our product is launched, which -- which, just to be 19 clear, does not include all countries in the world 20 but includes both the United States and Germany, 21 users in those countries receive a version of our 22 product with a local lens applied.</p>	<p>123</p> <p>125</p> <p>1 that -- that's just an individual URL that is 2 removal solely for users in that individual country.</p> <p>3 Q Okay. So German users, for example, 4 would not -- not see Holocaust speech as a result of 5 a YouTube algorithm preventing it from getting up in 6 the first place?</p> <p>7 MR. DISHER: Objection. Form.</p> <p>8 MS. YANG: Objection. Form. Scope.</p> <p>9 THE WITNESS: Again, those are -- those 10 legal removal orders are single-video URLs. They 11 are treated individually on individual pieces of 12 content, and that content is removed individually 13 within that single country.</p> <p>14 BY MR. LYLES:</p> <p>15 Q And do those orders come directly to 16 YouTube from the government?</p> <p>17 MS. YANG: Objection. Scope.</p> <p>18 THE WITNESS: Yes.</p> <p>19 BY MR. LYLES:</p> <p>20 Q So is it fair to say that YouTube is able 21 to modify its practices to accommodate one country's 22 set of laws without it impacting the experience of</p>

<p>1 users in other countries?</p> <p>2 MS. YANG: Objection. Form and scope.</p> <p>3 THE WITNESS: It is correct that YouTube</p> <p>4 can remove pieces of content based on the country</p> <p>5 views of those individual countries.</p> <p>6 If we were to extend this to HB20 in the</p> <p>7 state of Texas, my understanding is it -- it would</p> <p>8 be very difficult to comply with certain components</p> <p>9 of HB20 because we don't actually have a state view.</p> <p>10 We don't -- we don't look at Texas viewers versus</p> <p>11 Ohio users.</p> <p>12 We also don't know, necessarily, if a</p> <p>13 creator lives in Texas but then visits Ohio and</p> <p>14 posts from Ohio, how we would treat that individual</p> <p>15 piece of content.</p> <p>16 There are just great additional</p> <p>17 complexities that come up now that -- you didn't go</p> <p>18 there, but I thought maybe you would, when we get to</p> <p>19 the subnational level.</p> <p>20 BY MR. LYLES:</p> <p>21 Q But just to be clear, YouTube can do it</p> <p>22 and can take this content out in Germany without it</p>	<p>126</p> <p>1 MS. YANG: Objection. Scope. And,</p> <p>2 objection, form.</p> <p>3 THE WITNESS: I think you're asking if --</p> <p>4 if creators have other avenues for earning revenue</p> <p>5 on their content, and the answer to that question is</p> <p>6 definitely yes.</p> <p>7 BY MR. LYLES:</p> <p>8 Q What are some examples of the companies</p> <p>9 they could go to?</p> <p>10 MS. YANG: Objection. Scope.</p> <p>11 THE WITNESS: So I am -- I am only</p> <p>12 familiar with the practices of YouTube. But I</p> <p>13 believe that Instagram has commercial relationships</p> <p>14 with creators. TikTok has commercial relationships</p> <p>15 with creators. And there are many other platforms</p> <p>16 like that that compensate creators in some form.</p> <p>17 Q If a -- if a monetizing creator on</p> <p>18 YouTube is -- has their privilege revoked, can they</p> <p>19 appeal that?</p> <p>20 A I believe they can. I am less familiar</p> <p>21 with the appeals process for that than the other</p> <p>22 appeals process we have discussed. But I believe</p>
<p>1 affecting the experience of users here?</p> <p>2 MS. YANG: Objection. Form and scope.</p> <p>3 BY MR. LYLES:</p> <p>4 Q In the U.S., I mean.</p> <p>5 A It is possible to remove content</p> <p>6 exclusively under the German lens user experience</p> <p>7 and not under the U.S. lens user experience, yes.</p> <p>8 Q Okay. Thank you.</p> <p>9 Would you turn to page 17, please -- I</p> <p>10 mean paragraph 17.</p> <p>11 A Of the declaration?</p> <p>12 Q Of the declaration, yes, ma'am.</p> <p>13 A Okay.</p> <p>14 Q You talk here about how users must meet</p> <p>15 additional eligibility requirements for the</p> <p>16 privilege of earning advertising revenue.</p> <p>17 Is there any site comparable to YouTube</p> <p>18 that a user who is not eligible to earn money on</p> <p>19 YouTube could go to --</p> <p>20 MS. YANG: Objection.</p> <p>21 BY MR. LYLES:</p> <p>22 Q -- to monetize content?</p>	<p>127</p> <p>129</p> <p>1 they can appeal that, yes.</p> <p>2 Q And if that appeal is successful and</p> <p>3 they're let back on to monetize, are they</p> <p>4 compensated in any way for the money they lost for</p> <p>5 the time that they were de-platformed?</p> <p>6 MS. YANG: Objection. Scope.</p> <p>7 THE WITNESS: I don't understand the use</p> <p>8 of the word de-platforming.</p> <p>9 BY MR. LYLES:</p> <p>10 Q So if a monetizing creator is on YouTube</p> <p>11 and then their privilege to monetize is revoked by</p> <p>12 YouTube and they're not allowed to make money in</p> <p>13 that way they were making it but then they</p> <p>14 successfully appeal their removal from the YouTube</p> <p>15 platform, are they compensated in any way for that</p> <p>16 time that they were not allowed to be monetizing</p> <p>17 their creativity on YouTube?</p> <p>18 MS. YANG: Objection. Scope.</p> <p>19 THE WITNESS: So just to be clear, you</p> <p>20 used the term "de-platform." But they -- by your</p> <p>21 example, they are not de-platformed in the way that</p> <p>22 I would understand that -- that term. The platform,</p>

<p>1 YouTube, was available to them. The privilege of 2 monetization had just been revoked from them.</p> <p>3 BY MR. LYLES:</p> <p>4 Q Right. Right.</p> <p>5 A So I -- I believe that during that period 6 in which their monetization privileges have been 7 revoked, they were not advertising, would not be 8 appearing on their content, they would not be 9 receiving a revenue share of that advertising, and 10 so I do not believe they would be compensated for 11 that interregnum. But I'm not -- I don't work on 12 the commercial arrangements with our creators.</p> <p>13 Q Okay. Who would know that at YouTube?</p> <p>14 A We have an entire partnerships team that 15 works directly with creators all around the world.</p> <p>16 Q Who is in charge of that?</p> <p>17 A So Robert Kyncl is our chief business 18 officer. He's responsible for the partnerships team 19 that works directly with our creators.</p> <p>20 Q Okay. Thanks.</p> <p>21 A Also with our advertisers.</p> <p>22 Q Okay. What percentage of user views on</p>	<p>130</p> <p>1 MS. YANG: Objection. Form.</p> <p>2 THE WITNESS: So it is possible for users 3 to have control over the factors that go into their 4 recommendations. So, for example, as you and I 5 previously discussed, the channels you subscribe to 6 or the videos you've previously watched or things 7 you've previously searched for on YouTube are a 8 factor in our recommendations.</p> <p>9 Each of those factors that I just 10 mentioned you can delete from your personalized 11 recommendations. So you -- you know, let's say you 12 go search for, to an earlier example, skateboarding. 13 Now we're recommending to you a lot of skateboarding 14 videos. Your interest in skateboarding was waning. 15 You can simply go back and delete skateboarding as a 16 search term that we would use to inform your 17 recommendations.</p> <p>18 An individual video that you watched you 19 can delete from your search history so it no longer 20 informs your recommendations. Recommendations 21 appear on our "watch now" and "up next" pages. They 22 appear for logged-out users -- so for users about</p>
<p>1 YouTube are driven by recommendations?</p> <p>2 A So I think the most current data point 3 that we have on that is dated at this point. I 4 think it's from 2018. So I'm happy to share that 5 data point --</p> <p>6 Q Yeah.</p> <p>7 A -- while stipulating that it's dated. 8 I believe in 2018 that data was about 9 70 percent of views are driven by recommendations.</p> <p>10 I do not know a more update data point 11 there.</p> <p>12 Q Do you know when there's going to be a 13 new data point?</p> <p>14 A I do not.</p> <p>15 Q Do you know who would know that?</p> <p>16 A So the -- the responsibility for 17 recommendations on the YouTube platform falls under 18 Neal Mohan, who I think we previously discussed --</p> <p>19 Q Oh, right.</p> <p>20 A -- is our chief product officer.</p> <p>21 Q Okay. Is it possible for YouTube users 22 to opt out of recommendations?</p>	<p>131</p> <p>1 whom we have no information or de minimus 2 information.</p> <p>3 So recommendations will continue to 4 appear in those places, but you control how 5 personalized they are to you, you can have this 6 logged-out experience in which they are not 7 personalized to you at all. And the signals that we 8 use to inform your recommendations, you can also 9 control as well.</p> <p>10 BY MR. LYLES:</p> <p>11 Q So if you're logged out, you don't get 12 personal recommendations?</p> <p>13 A Correct.</p> <p>14 Q Not based on search history?</p> <p>15 MS. YANG: Objection. Scope.</p> <p>16 THE WITNESS: Correct. We don't -- we -- 17 we wouldn't know your search history. There -- even 18 if you're logged out, there are some contextual 19 clues that we have about you: Your IP address so 20 that you're -- you're in the United States, what 21 time of day it is.</p> <p>22 So there are some contextual clues that</p>

<p>1 we have that we would use, but they are not 2 personalized to you, Mr. Lyles, based on your past 3 watch history, past interest, past searches, 4 channels you subscribe to. We don't have that 5 information if you are logged out.</p> <p>6 BY MR. LYLES:</p> <p>7 Q But they're personalized due to some of 8 these contextual things?</p> <p>9 A Correct.</p> <p>10 MS. YANG: Objection. Scope.</p> <p>11 BY MR. LYLES:</p> <p>12 Q Okay. So is there -- is there any way to 13 view content on YouTube without it being a 14 recommendation personalized to you in some sense?</p> <p>15 MS. YANG: Objection. Form and scope.</p> <p>16 THE WITNESS: Absolutely. I could send 17 you a video and say, "Mr. Lyles, you will love this 18 skateboarding video." And you would go to YouTube, 19 and you would watch that video without any 20 interference between our direct relationship of me 21 sharing that video with you by YouTube. That 22 would --</p>	<p>1 just said does not ring any particular bells for me. 2 Maybe you'll provide me more information.</p> <p>3 BY MR. LYLES:</p> <p>4 Q So you have not been privy to a 5 communication from, say, the Senate that YouTube 6 perpetuates racist stereotypes?</p> <p>7 MS. YANG: Objection. Scope.</p> <p>8 MR. DISHER: Objection. Form.</p> <p>9 THE WITNESS: So I hate to ask you to 10 have to be more specific. We receive a lot of 11 inquiries from, for example, the Senate. Certainly 12 any inquiry -- any formal communication that we 13 receive from the Senate during my time in my role I 14 would have reviewed. But that -- that's quite a 15 volume. So I will just need to be a little 16 refreshed.</p> <p>17 BY MR. LYLES:</p> <p>18 Q Okay. But it doesn't ring any bells, as 19 you said?</p> <p>20 MS. YANG: Objection. Scope.</p> <p>21 THE WITNESS: Could you just repeat the 22 phraseology, that specific --</p>
<p>1 BY MR. LYLES:</p> <p>2 Q All right. So it would be like a 3 recommendation in the classic sense.</p> <p>4 Just kidding. Okay.</p> <p>5 A Alexandra Veitch, private citizen, 6 recommending to you --</p> <p>7 Q Right.</p> <p>8 A -- private citizen, yes. Correct.</p> <p>9 Q Okay.</p> <p>10 A It may be worth noting that we want users 11 to find new content that they will love. We want 12 creators to have the benefit of finding new 13 audiences. We recommend a huge diversity of 14 content. And we find, generally speaking, that our 15 users like our recommendations.</p> <p>16 Q Has YouTube received any communications 17 from the federal government about how it perpetuates 18 racist stereotypes?</p> <p>19 MS. YANG: Objection. Scope.</p> <p>20 THE WITNESS: I don't think I know the 21 full range of communications that YouTube has 22 received from the federal government. But what you</p>	<p>135 137</p> <p>1 BY MR. LYLES:</p> <p>2 Q Right.</p> <p>3 Okay. Has -- has YouTube received any 4 communications from the Senate stating that it 5 perpetuates racist stereotypes?</p> <p>6 MS. YANG: Objection. Scope.</p> <p>7 MR. DISHER: Objection. Form.</p> <p>8 THE WITNESS: I think it's certainly 9 possible, but that is not ringing any specific bells 10 for me.</p> <p>11 BY MR. LYLES:</p> <p>12 Q Okay. Could you explain how YouTube's 13 algorithms work with regard to the way in which you 14 provide search results to the user?</p> <p>15 A Sure.</p> <p>16 So -- and, generally speaking, 17 recognizing that I have a liberal arts degree, I'm 18 not a computer scientist, but just like is the case 19 with Google search, we want to provide our users 20 with search results that accurately speak to what 21 they are searching for. In certain cases, we also 22 want to index those results in the direction of</p>

	<p>138</p> <p>1 authoritative.</p> <p>2 So, for example, if you come to YouTube</p> <p>3 and search for COVID-19 vaccine, we want to provide</p> <p>4 you with content that's authoritative based on local</p> <p>5 and global health authorities about the COVID</p> <p>6 vaccine. But -- and similarly to what we discussed</p> <p>7 earlier, we want to provide content that other users</p> <p>8 enjoy. They've shown us that they enjoy it through</p> <p>9 a variety of signals, and so relevance to the query,</p> <p>10 in some cases, authoritativeness, and content that</p> <p>11 users will enjoy.</p> <p>12 BY MR. LYLES:</p> <p>13 Q What about ranking of advertisements?</p> <p>14 MS. YANG: Objection. Scope.</p> <p>15 BY MR. LYLES:</p> <p>16 Q How does -- how do you --</p> <p>17 A I don't know what you mean by that.</p> <p>18 Q How does YouTube's algorithms determine</p> <p>19 how you rank advertisements that users are presented</p> <p>20 with?</p> <p>21 MS. YANG: Objection. Scope.</p> <p>22 THE WITNESS: So advertisements come in a</p>	
	<p>139</p> <p>1 couple forms on YouTube. There are static ads.</p> <p>2 There are also video ads that appear appended to</p> <p>3 individual pieces of content either before, during,</p> <p>4 or after you watch that individual video.</p> <p>5 But I don't know in great detail how we,</p> <p>6 you know, determine that this particular</p> <p>7 Procter & Gamble ad appears on this particular piece</p> <p>8 of content.</p> <p>9 But the advertisers do have some</p> <p>10 controls, but they don't hand-select individual</p> <p>11 pieces of content to have their advertisements</p> <p>12 appear on.</p> <p>13 BY MR. LYLES:</p> <p>14 Q How do you determine how often an ad</p> <p>15 appears in, say, a video?</p> <p>16 A Oh, we --</p> <p>17 MS. YANG: Objection. Scope.</p> <p>18 THE WITNESS: Yeah, we're rapidly getting</p> <p>19 out of my area of expertise here.</p> <p>20 But ads are charged on what we call a</p> <p>21 CPM, or cost-per-thousand basis. So advertisers pay</p> <p>22 us per -- per thousand views.</p>	<p>140</p> <p>1 And so I assume there's some correlation</p> <p>2 between what the advertiser wants in terms of</p> <p>3 exposure and -- and how that -- how many times that</p> <p>4 ad appears.</p> <p>5 BY MR. LYLES:</p> <p>6 Q Okay. So the advertiser -- or YouTube</p> <p>7 would get paid more by the advertiser the more the</p> <p>8 ad is viewed; is that correct?</p> <p>9 MS. YANG: Objection. Scope.</p> <p>10 THE WITNESS: Generally speaking, yes.</p> <p>11 I am sure --</p> <p>12 BY MR. LYLES:</p> <p>13 Q Okay.</p> <p>14 A -- there is some nuance to the</p> <p>15 advertising business with which I am not familiar.</p> <p>16 But, generally speaking, as is the case</p> <p>17 on linear TV as well, the more an ad is viewed, the</p> <p>18 more the advertiser pays for that privilege.</p> <p>19 Q Okay. Do users have the ability to</p> <p>20 modify the way their search results in YouTube</p> <p>21 appear to them?</p> <p>22 MS. YANG: Objection. Scope.</p> <p>141</p> <p>1 THE WITNESS: I mean, largely, no,</p> <p>2 though, there are some user controls around</p> <p>3 language, for example. You know, if you want your</p> <p>4 search results in French, you can control the</p> <p>5 language of your search results.</p> <p>6 But, generally speaking, no. Search</p> <p>7 results are based on our conclusions.</p> <p>8 BY MR. LYLES:</p> <p>9 Q Okay.</p> <p>10 A Not a user's conclusion.</p> <p>11 Q Okay.</p> <p>12 MS. YANG: Counsel, we are nearing the</p> <p>13 hour mark.</p> <p>14 Is this a good time to take a quick</p> <p>15 break?</p> <p>16 MR. LYLES: Yeah. Yeah.</p> <p>17 THE VIDEOGRAPHER: We are going off the</p> <p>18 record.</p> <p>19 This is the end of media unit number 3.</p> <p>20 The time is 1 p.m.</p> <p>21 (A recess was taken.)</p> <p>22 THE VIDEOGRAPHER: We are back on the</p>

<p>1 record.</p> <p>2 This is the beginning of media unit</p> <p>3 number 4.</p> <p>4 The time is 1:13 p.m.</p> <p>5 BY MR. LYLES:</p> <p>6 Q Ms. Veitch, we talked about the</p> <p>7 California privacy law a little while ago.</p> <p>8 Apart from that law, what federal</p> <p>9 regulations affect YouTube's ability to moderate</p> <p>10 content --</p> <p>11 MS. YANG: Objection. Scope.</p> <p>12 BY MR. LYLES:</p> <p>13 Q -- if any?</p> <p>14 A I'm just thinking. I heard you. I'm</p> <p>15 thinking carefully.</p> <p>16 Q Yeah.</p> <p>17 A So there is -- obviously, there is a wide</p> <p>18 range of federal laws that affect YouTube, generally</p> <p>19 speaking.</p> <p>20 To your question about moderating</p> <p>21 content, there was a law that passed several years</p> <p>22 ago known as SESTA-FOSTA, Senate-House version -- I</p>	<p>142</p> <p>1 is that burdensome on YouTube?</p> <p>2 MS. YANG: Objection. Form.</p> <p>3 THE WITNESS: So that law was passed</p> <p>4 before -- in my time before I joined YouTube. It</p> <p>5 deals specifically with -- so -- and this is a</p> <p>6 layperson's understanding of that law --</p> <p>7 caveating -- but deals specifically with 230</p> <p>8 protections around sex trafficking.</p> <p>9 Sex trafficking is not something that's</p> <p>10 allowed on YouTube -- not allowable under YouTube's</p> <p>11 community guidelines, and so it certainly impacts</p> <p>12 our platform. It is an erosion to the 230 standard,</p> <p>13 but that is -- that -- given our community</p> <p>14 guidelines, I do not believe that we find it</p> <p>15 particularly burdensome to comply with that law.</p> <p>16 BY MR. LYLES:</p> <p>17 Q Okay. Now, are there any state</p> <p>18 regulations -- the California one aside -- that</p> <p>19 affects YouTube's ability to moderate content?</p> <p>20 MS. YANG: Objection. Scope.</p> <p>21 THE WITNESS: Yes. So HB20, which, as</p> <p>22 you would know better than me but I believe comes</p>
<p>1 forget which name ultimately triumphed -- that</p> <p>2 affects section 230. That's another -- that's an</p> <p>3 example of a law that affects our ability to</p> <p>4 moderate content.</p> <p>5 Q Are there any federal laws that affect</p> <p>6 YouTube's -- or provide any kind of requirement that</p> <p>7 YouTube report on its content moderation?</p> <p>8 MS. YANG: Objection. Scope.</p> <p>9 THE WITNESS: Just to be clear -- so</p> <p>10 transparency requirements around content moderation.</p> <p>11 BY MR. LYLES:</p> <p>12 Q Yes. Yeah.</p> <p>13 A There has been a great deal of discussion</p> <p>14 in Congress about that issue. I do not believe</p> <p>15 there is -- there are any -- currently any laws</p> <p>16 requiring transparency.</p> <p>17 Nonetheless, as we've discussed, YouTube</p> <p>18 does -- does endeavor to be transparent and makes a</p> <p>19 great deal of data public, but I don't believe</p> <p>20 there's laws in place.</p> <p>21 Q And the federal law you described as</p> <p>22 affecting YouTube's content moderation, is that --</p>	<p>143</p> <p>1 into force on December 2nd, would seriously impact</p> <p>2 our ability to moderate content.</p> <p>3 There is a similar but different law in</p> <p>4 Florida that is currently enjoined but that would</p> <p>5 also impact our ability to moderate content. And</p> <p>6 there was a spate of similar laws across the</p> <p>7 country.</p> <p>8 I think those are the only two that were</p> <p>9 passed into law, but there are other similar</p> <p>10 state-level legi- -- pieces of legislation like HB20</p> <p>11 and Florida's law.</p> <p>12 BY MR. LYLES:</p> <p>13 Q And apart from HB20 and Florida's law,</p> <p>14 are there any state laws that require transparency</p> <p>15 around content moderation for YouTube?</p> <p>16 MS. YANG: Objection. Scope.</p> <p>17 THE WITNESS: The U.S. is a big place,</p> <p>18 50 states.</p> <p>19 I want to be sure I'm being accurate, but</p> <p>20 I'm not familiar with any -- on content</p> <p>21 moderation --</p> <p>22</p>

<p>1 BY MR. LYLES:</p> <p>2 Q Uh-huh.</p> <p>3 A -- separately from privacy, CCPA, which</p> <p>4 we've already talked about, I'm not familiar with</p> <p>5 any state-level transparency requirements currently</p> <p>6 in law.</p> <p>7 Q Okay. We're entering the final stuff.</p> <p>8 Could you --</p> <p>9 A Okay.</p> <p>10 Q Could you take a moment to just read --</p> <p>11 read over paragraph 60 to 62 of your declaration,</p> <p>12 please.</p> <p>13 A Of course.</p> <p>14 Sorry. Did you say 60 to 62 "62" or just</p> <p>15 62?</p> <p>16 Q Oh, 60 through 62.</p> <p>17 A Got it.</p> <p>18 I'm ready when you are.</p> <p>19 Q Okay. Are there any burdens that YouTube</p> <p>20 contends HB20 would place on it that are not</p> <p>21 identified in your declaration?</p> <p>22 MR. DISHER: Objection. Form.</p>	<p>146</p> <p>1 practices that YouTube contends will be affected by</p> <p>2 HB20 that are not in your declaration?</p> <p>3 MR. DISHER: Objection. Form.</p> <p>4 THE WITNESS: So my declaration speaks to</p> <p>5 our content moderation practices at a relatively</p> <p>6 high level. It references, for example, our</p> <p>7 public-facing community guidelines.</p> <p>8 Again, content moderation is a nuanced</p> <p>9 business, and there's a great deal of nuance</p> <p>10 under- -- under- -- you know, underneath those</p> <p>11 high-level statements.</p> <p>12 But I believe that this document is</p> <p>13 complete in the high-level statements it makes.</p> <p>14 Does that make sense, Mr. Lyles?</p> <p>15 BY MR. LYLES:</p> <p>16 Q As to content moderation policies that</p> <p>17 will be affected by HB20; is that --</p> <p>18 A Yes, because it -- I mean, it speaks</p> <p>19 about those content moderation policies with -- in</p> <p>20 some generality, but, yes.</p> <p>21 Q Okay. And is there -- is there someone</p> <p>22 else at YouTube who's better able to tell me the</p>
<p>147</p> <p>1 THE WITNESS: The burdens that HB20 would</p> <p>2 place on YouTube that I am aware of are in my</p> <p>3 declaration. There may be burdens that I am not</p> <p>4 aware of. But the ones I'm not aware of are not</p> <p>5 contained in my declaration.</p> <p>6 BY MR. LYLES:</p> <p>7 Q Okay. With respect to the burdens you've</p> <p>8 presented in your declaration, are there any</p> <p>9 documents that you relied on to cite and elucidate</p> <p>10 those burdens that have not been produced to us?</p> <p>11 A No. The documents I relied on to -- to</p> <p>12 draft this declaration in conjunction with the</p> <p>13 lawyers we've already discussed have been produced.</p> <p>14 They were a set of Public-Facing Documents. We only</p> <p>15 relied on those, and I believe they have produced to</p> <p>16 you.</p> <p>17 Q Okay. And that's -- that's true of your</p> <p>18 description of the burdens here?</p> <p>19 A That's correct.</p> <p>20 MS. YANG: Objection. Form.</p> <p>21 BY MR. LYLES:</p> <p>22 Q Okay. Are there any content moderation</p>	<p>149</p> <p>1 specifics of which content moderation policies HB20</p> <p>2 affects or will affect?</p> <p>3 MR. DISHER: Objection. Form.</p> <p>4 THE WITNESS: Mr. Lyles, the reason I am</p> <p>5 here today is because we believe I am the best</p> <p>6 person to explain that to you. I'm sorry if I've</p> <p>7 disappointed in any way, but I -- I do believe I'm</p> <p>8 the best person to explain the impact of HB20 upon</p> <p>9 YouTube.</p> <p>10 BY MR. LYLES:</p> <p>11 Q YouTube's content moderation policies?</p> <p>12 A Correct.</p> <p>13 Q Okay. And in terms of your spelling out</p> <p>14 those content moderation policies that YouTube</p> <p>15 contends will be affected by HB20 in your</p> <p>16 declaration, did you rely on any other documents</p> <p>17 other than those that you produced to us?</p> <p>18 A No, I did not.</p> <p>19 Q Okay.</p> <p>20 MR. LYLES: Okay. Pass the witness.</p> <p>21 MS. YANG: There will be no redirect</p> <p>22 examination.</p>

1 MR. DISHER: Plaintiffs have nothing at
2 this time.
3 MR. LYLES: Thank you, Ms. Veitch.
4 THE VIDEOGRAPHER: Please stand by.
5 THE WITNESS: Thank you.
6 THE VIDEOGRAPHER: We are off the record
7 at 1:23 p.m.
8 And this concludes today's testimony
9 given by Alexandra Veitch.
10 (Off the record at 1:23 p.m.)
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2 Certificate of shorthand reporter - notary public
3 I, Susan E. Alldridge, Registered Professional
4 Reporter, Certified Shorthand Reporter, the officer
5 before whom the foregoing deposition was taken, do
6 hereby certify that the foregoing transcript is a
7 true and correct record of the testimony given; that
8 said testimony was taken by me stenographically and
9 thereafter reduced to typewriting under my
10 supervision; that reading and signing was requested;
11 and that I am neither counsel for or related to, nor
12 employed by any of the parties to this case and have
13 no interest, financial or otherwise, in its outcome.
14 IN WITNESS WHEREOF, I have hereunto set my hand
15 and affixed my notarial seal this 19th day of
16 November 2021.
17
18

19 NOTARY PUBLIC IN AND FOR THE DISTRICT OF COLUMBIA

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